

**CITY OF KINGMAN  
MEETING OF THE COMMON COUNCIL  
Council Chambers  
310 N. 4th Street**

**5:30 PM**

**AGENDA**

**Tuesday, October 20,  
2015**

**REGULAR MEETING**

**CALL TO ORDER AND ROLL CALL**

**INVOCATION**

The invocation will be given by John Pool of Praise Chapel.

**PLEDGE OF ALLEGIANCE**

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A) 3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

**1. APPROVAL OF MINUTES**

- a. The Regular Meeting minutes of October 6, 2015**
- b. The Work Session minutes of October 16, 2015**

**2. APPOINTMENTS**

- a. Appointment to the Local Public Safety Personnel Retirement System (PSPRS) Board**

A vacancy has been created on the Local Public Safety Personnel Retirement System (PSPRS) Board due to the resignation of another member. Captain Joe Cowin has been selected by his fellow firefighters to represent the fire personnel with the City of Kingman on this board. At their meeting of October 8, 2015, the Local PSPRS Board voted 5-0 to recommend appointment of Captain Cowin to fill this vacancy. **Staff recommends approval.**

- b. Appointment to the Economic Development and Marketing Commission (EDMC)**

The EDMC currently has three vacancies due to resignations. One term expires December, 2015 and two terms expire December, 2017. On October 14, 2015 the EDMC voted 4-0 to appoint Yvonne Woytovich to one of the terms expiring December, 2017. **Staff recommends appointing Yvonne Woytovich to fill one of the terms expiring in December, 2017.**

**3. AWARDS/RECOGNITION**

- a. Recognition of Explorer Post #47**

The Kingman Police Department Explorer Post #47 participated in the 2015 Southern Arizona Law Enforcement Explorer Competition (SALEEC) over October 10th and 11th in Marana. This year the team won eight trophies in

the following categories: 1st Place - Use of Force Scenarios; 1st Place - Active Shooter and Officer Down; 3rd Place - Crisis Negotiations & Building Entry; 3rd Place - Felony Vehicle Stop and Search; 3rd Place - Report Writing and Courtroom Testimony; 3rd Place - Male Obstacle Course; 4th Place - Domestic Violence; 4th Place - Overall Competition.

#### **4. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC**

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments from the Public will be restricted to items not on the agenda with the exception of those on the Consent Agenda. There will be no comments allowed that advertise for a particular person or group. Comments should be limited to no longer than 3 minutes.

#### **5. CONSENT AGENDA**

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired, that item will be removed from the CONSENT AGENDA and will be considered separately.

##### **a. Liquor License Application**

Applicant Michele Lyn Lin of Lin's Little China II, Inc has applied for a Series 12 Liquor License at 4120 Stockton Hill Road. **Staff recommends approval.**

##### **b. Resolution 4914-R approving a water payback agreement with Cottonwood Industrial LLC**

On October 21, 2014 the Council approved a water payback agreement with Cottonwood Industrial LLC; however, the name of the business was recorded incorrectly as Cottonwood Industries LLC. Resolution 4914-R will correct this. **Staff recommends approval.**

##### **c. Authorizing the purchase of real property on Gates Avenue for drainage purposes, ENG15-018**

The property is identified as tax parcel 311-14-324, is 5,000 square feet in area and a natural low point which ponds with storm runoff. The City has recently acquired adjacent property on Gates Avenue at an appraised value of \$12,000. The owner has indicated that \$12,000 is the minimum she will accept for the property. **Staff recommends proceeding with the Gates property acquisition.**

##### **d. Grant of Utility Easement for UniSource Electric, Inc. at City parcel 322-06-010 located directly south of Interstate 40 (Project ENG15-069)**

The City of Kingman is the owner of a 168.46 acre parcel of vacant land (Parcel 322-06-010) located directly south of Interstate 40 between the projected street alignments for Castle Rock Road and Prospector Street. UniSource Electric, Inc. discovered their existing overhead power lines and anchor poles along the western boundary of this parcel are outside of an existing 10 foot wide State utility permit granted for these power lines when this parcel was owned by the State. The proposed easement is for existing utility

lines so there are no anticipated conflicts with current site access, functions and improvements. The easement agreement has a provision to remove or relocate these items at no costs to the City if they are required by the City to accommodate improvements within this parcel for the public benefit. **Staff recommends granting the utility easement for UniSource Electric, Inc.**

**e. Proposed Resolution 4977 approving the release of a portion of the cash escrow assurance for Sunrise Business Park, Tract 6037**

This subdivision is located along the north side of Detroit Avenue, east of Western Avenue and consists of five commercial lots on 10.74 acres. The project engineer has requested the approval of the release of a \$50,000.00 portion of the cash escrow assurance for the completion of rock excavation during grading. The City Engineer and Public Works inspectors have inspected the site and determined that the completed grading is in compliance with the terms of the final plat and requirements of the City of Kingman Subdivision Ordinance. **Staff recommends approving Resolution 4977.**

**f. Reclaimed Water User Agreement**

The Lingenfelter Group would like to renew their agreement with the City of Kingman to purchase A+ reclaimed water from the Hilltop Treatment Plant. The water would be used for dust control during the upcoming SNORE race event on October 23-25, 2015. The extension would run through the end of October, 2015. **Staff recommends approval of the Reclaimed Water User Agreement.**

**g. Consideration of Resolution 4971-Revised approving a street improvement deferral for Gates Avenue adjacent to Manzanita Baptist Church**

Manzanita Baptist Church owns multiple lots along the north side of Gates Avenue west of Fairgrounds Boulevard. A building permit to remodel a gymnasium on the church property has been issued with an estimated construction cost of \$150,000, which requires adjacent street improvements be completed on Gates Avenue per City regulations. The City Engineering Department's opinion of probable cost of these improvements is \$15,242.00. Manzanita Baptist Church sent a letter requesting a non-cash payment street improvement deferral. The Traffic Safety Committee (TSC) reviewed the deferral request and recommended that the applicant either complete the required improvements or make a payment in lieu of completing the improvements to the City. The City Council reviewed this item on October 6, 2015 and directed that a non-cash payment street deferral be granted. **Staff recommends approval of Resolution 4971-R.**

**6. OLD BUSINESS**

**a. Entertainment District**

On August 4, 2015, the Council discussed a proposal from the Downtown Merchants Association for the establishment of an Entertainment District. The establishment of an Entertainment District allows a license for an establishment to serve or sell beer, wine, or spirituous liquor to be issued within 300-feet of a church a public or private school with programs. **Staff recommends approval.**

**b. Request to Amend Encroachment Permit at 2011 Andy Devine**

### **Avenue, ENG15-043**

On July 7, 2015 the City Council approved a substantial encroachment permit for the Rutherford's 66 Diner at 2011 Andy Devine Avenue. The encroachment consists of a block wall patio which extends approximately three feet into the Andy Devine right of way. The encroachment permit includes a condition that the block wall meet the site triangle ordinance which allows for a maximum height of 36 inches. On October 9, 2015 staff received a request to modify the encroachment permit to allow for a wall height up to 44 inches. The request also includes the addition of ornamental cars and decorative lighting on top of the wall, and benches between the wall and sidewalk. The work is presently unfinished and a portion of the wall does exceed the 36 inch height limit. **Staff recommends modifying the existing encroachment permit to allow a new wall height of up to 44 inches and allowing the addition of ornamental cars, lighting and benches.**

**c. Consideration of Sending a Ballot Measure to the Voters Regarding the Implementation of a Primary Property Tax**

At the October 6th Regular Meeting the City Council approved Ordinance 1799 extending the sunset of the additional 0.5% Transaction Privilege Tax increase through December 31, 2017, with the intent of seeking a primary property tax. This would require a ballot measure and stand alone election to occur in May, 2016, for voter approval. Staff will present information regarding the timeline required for this election and the approximate cost. This will include and update of the timeline to collection of levy revenue. **Council discretion.**

## **7. NEW BUSINESS**

**a. Discussion of idea on remodel of Powerhouse**

A short time ago the Chamber of Commerce vacated space in the Powerhouse. The City Manager would like to discuss with the Council an idea to remodel the area into a multi-purpose room, conference room, office space, or other such use. The City Manager would like to discuss the many options and ideas and receive feedback from the Council. Public Works Director Rob Owen will present a slideshow overview of the proposed idea at the meeting. **Council discretion.**

**b. Kingman Rotary donation of bleacher shade structure**

On Wednesday the Kingman Rotary presented a check for a donation of \$3,200 for a bleacher shade structure to be placed at South Side Park. Maintenance is minimal and these are a great addition to City ball field facilities. **Staff recommends accepting the donation.**

**c. Art sculpture donations**

Greg Arnold, the creator of Giganticus Headicus, would like to donate two scrap metal sculptures for placement on City property at the Powerhouse and the corner of US 93 and Fort Beale Road. These sculptures would enhance the City and attract visitors. **The Parks & Recreation Commission voted unanimously to support placement of the art sculpture donations.**

**d. Consideration of Resolution 4976 eliminating requirements for curbs and sidewalks along Southern Avenue for Fripps Ranch, Tract 1964-D**

Raymond W. Stadler, P.E., applicant and project engineer, on behalf of



Fripps Mohave Land, LLC, property owner, has requested eliminating the requirement for rolled curbs, gutters and sidewalks along Southern Avenue associated with Fripps Ranch, Tract 1964-D. The subject property is located along the south side of Southern Avenue west of N. Central Street. Resolution 4880-R, passed on July 1, 2014, approved the preliminary plat for Fripps Ranch, Tract 1964-D with certain conditions. Condition 1 allowed an exception, as requested by the property owner, for rolled curbs on Southern instead of vertical curbs as normally would be required by the Subdivision Ordinance for a Minor Arterial street. Condition 3 allowed an exception, as requested, for a delay in the construction of sidewalks along Southern Avenue until the development of the adjacent lots occurs. The project engineer is requesting the exception primarily because the per-lot cost to complete the curb and sidewalk exceeds the market value of the lots. The request has been reviewed by staff and the Traffic Safety Committee. The staff recommendation is that the Council may accept a surety in the amount of \$38,580.00 for the costs of the curbs, gutters and sidewalks at the time of final plat approval rather than approve an exception. The Council, however, may approve an exception to the Subdivision Ordinance per Section 1.14, if certain findings are made. **Staff recommends denying Resolution 4976.**

**e. Proposed Ordinance 1805 – Amending permit fees in relation to Manufactured Housing & Factory Built Buildings**

Since entering into an intergovernmental agreement (IGA) with the State of Arizona Office of Manufactured Housing [OMH], OMH has adjusted their fee schedule for Fiscal Year 2016. Approval of Ordinance 1805 will adjust current City fees to match the OMH Fee Schedule update for 2016, which is required by the IGA. **Staff recommends approving Ordinance 1805.**

**f. Acceptance of the Resignation of Mark Wimpee Sr. from the Common Council of the City of Kingman**

On October 15, 2015, Vice Mayor Mark Wimpee Sr. tendered his resignation from the Common Council of the City of Kingman. Council must formally accept this resignation.

**g. Council Vacancy Selection Process**

The resignation of Vice Mayor Mark Wimpee Sr. has created a vacancy for a seat on the City Council. The vacant seat's term expires the end of November, 2016. According to statute the Council shall fill the vacancy by appointment. There is no process defined in the statutes. Staff recommends that Council direct staff to accept resumes and letters of interest from qualified persons. The Council will review the submitted information to determine the appropriate candidate for selection. **Staff requests Council direction.**

**h. Discussion and Appointment of Vice Mayor**

With the resignation of Vice Mayor Wimpee Sr. the position of Vice Mayor is now vacant. Council will discuss and possibly appoint a new Vice Mayor.

**8. REPORTS**

**Board, Commission and Committee Reports by Council Liaisons**

**9. ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER**

*Limited to announcements, availability/attendance at conferences and seminars,  
requests for agenda items for future meetings.*

## **ADJOURNMENT**

**CITY OF KINGMAN  
MEETING OF THE COMMON COUNCIL  
Council Chambers  
310 N. 4<sup>th</sup> Street**

**5:30 P.M.**

**MINUTES**

**Tuesday, October 6, 2015**

**REGULAR MEETING**

<b>Members</b>	<b>Officers</b>	<b>Visitors Signing in</b>
<b>Richard Anderson – Mayor</b>	<b>John Dougherty, City Manager</b>	<b>See attached list</b>
<b>Mark Wimpee, Sr. – Vice-Mayor</b>	<b>Jackie Walker, Human Resources Director</b>	
<b>Mark Abram</b>	<b>Lee Hocking, Assistant City Attorney</b>	
<b>Larry Carver</b>	<b>Jake Rhoades, Fire Chief</b>	
<b>Jen Miles</b>	<b>Greg Henry, City Engineer</b>	
<b>Stuart Yocum</b>	<b>Rusty Cooper, Deputy Chief of Police</b>	
<b>Carole Young</b>	<b>Mike Meersman, Parks and Recreation Director</b>	
	<b>Tina Moline, Finance Director</b>	
	<b>Gary Jeppson, Development Services Director</b>	
	<b>Rob Owen, Public Works Director</b>	
	<b>Joe Clos, Information Services Director</b>	
	<b>Sydney Muhle, City Clerk</b>	
	<b>Erin Roper, Deputy City Clerk and Recording Secretary</b>	

**CALL TO ORDER & ROLL CALL**

Mayor Anderson called the meeting to order at 5:30 P.M. All councilmembers were present. The invocation was given by City Manager John Dougherty after which the Pledge of Allegiance was said in unison.

THE COUNCIL MAY GO INTO EXECUTIVE SESSION FOR LEGAL COUNSEL IN ACCORDANCE WITH A.R.S.38-431.03(A)3 TO DISCUSS ANY AGENDA ITEM. THE FOLLOWING ITEMS MAY BE DISCUSSED, CONSIDERED AND DECISIONS MADE RELATING THERETO:

**1. APPROVAL OF MINUTES**

**The Regular Meeting and Executive Session minutes of September 15, 2015**

Vice-Mayor Wimpee, Sr. and Councilmember Young recused themselves as they were excused from the meeting.

Councilmember Miles made a MOTION to APPROVE the Regular Meeting and Executive Session minutes of September 15, 2015. Councilmember Abram SECONDED and it was APPROVED by a

vote of 5-0 with Vice-Mayor Wimpee, Sr. and Councilmember Young ABSTAINING.

## 2. **AWARDS/RECOGNITION**

### **a. Citizen recognition**

On August 17, 2015 the Kingman Police Department responded to a check welfare call in the 2100 block of Seneca Street. Officers met with William Ponusky, a concerned neighbor, who reported that his neighbor's lights had been on for three days without any activity around the home. Upon looking through the windows of the home, officers observed a lone male occupant lying on the floor. Officers summoned the Kingman Fire Department and made entry into the home. The occupant had suffered a severe medical episode and it was believed he was down a couple of days. Without the keen observation and caring attitude of Mr. Ponusky, it is highly likely the individual would have died. The Kingman Police and Fire Department jointly recognize and applaud Mr. Ponusky for his life saving action on August 17, 2015. He is the epitome of a "Good Neighbor." **Staff recommends recognizing William Ponusky and providing him a Life Saving Award.**

Chief of Police Robert DeVries and Fire Chief Jake Rhoades presented William Ponusky with a Life Saving Award.

### **b. Employee Recognition**

In appreciation for their hard work, dedication, and loyalty the Mayor and Council would like to recognize employees who have reached years of service milestones, beginning at five years of service and continuing at each five year interval. Tonight the Mayor and Council hereby convey their earnest appreciation to:

<b>Yrs of Service</b>	<b>Name</b>	<b>Title</b>	<b>Department</b>
30	Bland, Phillip	Equipment Operator A	Streets
30	Pethers, Dean	Water Technician A	Water Operating
25	Abraham, Bradley	Fire Engineer	Fire
20	Bonfield, William	Equipment Mechanic	Building/Fleet Maintenance
20	Cornett, Terry	I T Coordinator	Information Technology
20	Lash, David	Sr. Building Inspector	Building Inspection
15	Clemens, James	Crew Leader	Building/Fleet Maintenance
15	Henry, Greg	City Engineer	Engineering
15	King, Donna	Administrative Assistant	Building/Fleet Maintenance
15	Rogers, Kiley	Equipment Operator B	Water Operating
15	Zach, Paul	Equipment Operator B	Sanitation
10	DeHerrera, Casey	Administrative Secretary	Police
10	Dill, Dan	Crew Leader	Parks
10	Duszynski, John	Equipment Mechanic	Building/Fleet Maintenance
10	Gifford, Jeffrey	Equipment Operator B	Streets
10	Furr, Robert	Equipment Operator B	Sanitation
10	Hardy, Joel	Code Enforcement Officer	Police
10	Johnson, Paul	Crew Leader	Fire
10	O'Haver, Maria	Court Clerk	Magistrate Court
10	Reed, Tiffany	Administrative Assistant	Police
5	Brown, Gabriel	Police Officer	

**Mayor and Council would like to congratulate the following retirees on their retirement:**

David Patriquin who retired for the Fire Department on July 31, 2015 with 30 years of outstanding service.

Mayor Anderson presented certificates to the employees who were present.

**3. CALL TO THE PUBLIC - COMMENTS FROM THE PUBLIC**

Those wishing to address the Council should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments from the Public will be restricted to items not on the agenda with the exception of those on the Consent Agenda. There will be no comments allowed that advertise for a particular person or group. Comments should be limited to no longer than 3 minutes.

Brent Rutherford of Rutherford's Family Diner stated Vice-Mayor Wimpee, Sr. should not be in his position due to a pattern of behavior in his business operations. Mr. Rutherford stated he believed the citizens of Kingman should know Vice-Mayor Wimpee, Sr. took money and did not finish contracting jobs he was hired for and did not complete projects according to the conditions of City permits.

Kingman resident Harley Petit stated items "4f" and "4g" on the Consent Agenda should be revised to include a payment schedule with mandatory payments. Mr. Petit stated the tax money must be reimbursed.

Tammy Rutherford of Rutherford's Diner stated Vice-Mayor Wimpee, Sr. should be removed from his position due to incomplete jobs in his construction company. Ms. Rutherford stated she received many calls from other people in similar situations and she believed the company was scamming people. Ms. Rutherford stated Vice-Mayor Wimpee, Sr. should not represent the City as vice-mayor.

Chris Branco stated he supported Rutherford Family Diner and also had problems working with Vice-Mayor Wimpee, Sr., Mark Wimpee, Jr., and 1<sup>st</sup> Generation Builders. Mr. Branco provided documents outlining complaints with 1<sup>st</sup> Generation Builders to City Clerk Sydney Muhle for distribution to the Council.

Kathy Hopper stated Vice-Mayor Wimpee, Sr. had two orders of protection against him, one in 2003 and another in 2014. Ms. Hopper stated two orders of protections was a reason for concern.

Becky Jordan stated Vice-Mayor Wimpee, Sr. was trying to resolve the problems with incomplete jobs and his company and political career should be judged separately. Ms. Jordan stated she saw many online threats and attacks directed at Vice-Mayor Wimpee, Sr. and it needed to stop as it was not an appropriate way to address the problem. Ms. Jordan stated she was sorry Vice-Mayor Wimpee, Sr.'s company had folded, but he was trying to fix the issues.

**4. CONSENT AGENDA**

All matters listed here are considered to be routine by the City Council and will be enacted by one motion. There will be no separate discussion of these items. If discussion is desired that item will be removed from the CONSENT AGENDA and will be considered separately.

**a. Authorizing the purchase of real property on Golden Gate Avenue for drainage purposes, ENG15-018**

The property is described as the easterly 75 feet of tax parcel 311-14-319g, is zoned commercial C2, and includes three 25 x 100 foot vacant lots which pond with drainage from Gates Avenue and often flood the City's alley. The property would outlet drainage to Golden Gate Avenue. The property owner will accept a minimum of \$42,500 for the property. **Staff recommends proceeding with the Golden Gate property acquisition.**

**b. Award of bid for one refuse side-load truck**

The Public Works Sanitation Department received three bids on September 1, 2015 for one refuse side-load truck for the Fiscal Year 2015/2016 budget. **Staff recommends accepting the primary bid from Rush Truck Center and Scorpion Body for a Peterbilt Chassis and Scorpion Body for \$250,033.00 plus tax.**

**c. Fiscal Year 2015 bulletproof vest partnership grant award**

The Kingman Police Department was awarded a Bureau of Justice assistance grant award in the amount of \$4,784.42 under the FY 2015 bulletproof vest partnership solicitation. The grant will be used to purchase new ballistic vests for police officers. **Staff recommends approval.**

**d. Request from Turf Paradise to renew its off-track pari-mutuel wagering license/permit for Cerbat Hills Sports Bar & Grill**

David Johnson, Vice President of Turf Paradise, is requesting approval to renew the Turf Paradise off-track pari-mutuel wagering license/permit for Cerbat Hills Sports Bar & Grill, located at 3631 Stockton Hill Road. Turf Paradise is currently in the process of renewing its permit to operate additional wagering facilities with the Arizona Department of Racing. The term of the permit applied for is from June 1, 2015 through May 31, 2018. **Staff recommends approval.**

**e. Liquor license sampling privileges application**

Applicant Clare Hollie Abel of Wal-Mart Supercenter #2051 has applied for Sampling Privileges for an existing Series 9 Liquor License at 3396 Stockton Hill Road. **Staff recommends approval.**

**f. Consideration of Resolution 4973 for a City owned sewer payback**

The City installed a sewer line with 3 manholes and service stub outs on Lovin Avenue from approximately 37 feet west of Washington Street to Eastern Street under project ENG14-090. The proposed payback agreement in Resolution 4973 is based on actual costs expended by the City for both design and construction. The costs are proportioned along Lovin Avenue based on the frontage of adjacent properties. The payback will be collected as adjacent properties connect to the sewer. **Staff recommends approval of Resolution 4973.**

**g. Consideration of Resolution 4974 for a City owned sewer payback**

The City installed a sewer line with 4 manholes and service stub outs on Colorado Avenue from approximately 350 feet west of Washington Street to Eastern Street under project ENG14-091. The proposed payback agreement in Resolution 4974 is based on actual costs expended by the City for both design and construction. The costs are proportioned along Lovin Avenue based on the frontage of adjacent properties. The payback will be collected as adjacent properties connect to the sewer. **Staff recommends approval of Resolution 4974.**

**h. Resolution 4975 - Consideration of Intergovernmental Agreement between the City of Kingman and the Mohave County Flood Control District for mapping and hydrology studies with FEMA CTP grant funding**

City staff has identified and prioritized mapping needs and hydrology/hydraulic studies that would

best help mitigate flood hazards and improve the management of flood prone areas within the City. The proposed work using Cooperating Technical Partners (CTP) grant funding will map the entire City Water Service Boundary (61 square miles) at 1 foot contour giving a higher level of detail and the remainder of the new mapping will be east of and outside of the Water Service Boundary at 2 foot contours. The mapping and hydrological studies will assist City staff and end users in planning for and evaluating drainage hazards and will provide the necessary data for the update to the City Master Drainage Plan. The total cost of the mapping and studies will be \$220,000 of which \$20,000 is mapping work requested by and will be paid for by the Mohave County Flood Control District. The remaining project cost of \$200,000 are for mapping and studies requested by the City. The required 25% percent City matching for \$200,000 is \$50,000. The remaining 75% of the cost (\$150,000) will be paid by the FEMA CTP grant. Mohave County Flood Control District agreed to administer the project and CTP grant with a 5% fee (\$10,000) of the project cost to cover its expenses. Mohave County Flood Control District has prepared an Intergovernmental Agreement between the City of Kingman and the Mohave County Flood Control District to allow the Mohave County Flood Control District to administer and manage the CTP grant on the City's behalf and in compliance with FEMA's request. **Staff recommends approval.**

**i. Approval of Title VI Plan for Kingman Area Regional Transit (KART)**

The FTA requires all grantees have a comprehensive Title VI Plan approved by their governing board. KART has developed the necessary plan and presented it to the Transit Advisory Commission (TAC) for review and approval at the quarterly meeting held on July 15, 2015. The TAC voted unanimously (5-0) to approve the Title VI Plan and forward to Council for ratification. **Staff recommends approving the Title VI Plan as written.**

**j. Annual review of bylaws for the Transit Advisory Commission (TAC) for KART**

The TAC bylaws require annual review. This review was accomplished during TAC's quarterly meeting held on July 15, 2015. The commission voted unanimously (5-0) to amend the bylaws to state that a quorum is based on a majority of members rather than a specific number and forward to Council for ratification. **Staff recommends approving the bylaws as revised.**

Councilmember Carver requested to remove items "4f," "4g," and "4j" for further discussion.

Vice-Mayor Wimpee, Sr. made a MOTION to APPROVE the Consent Agenda with the exception of items "4f," "4g," and "4j." Councilmember Young SECONDED and it was APPROVED by a vote of 7-0.

Councilmember Carver stated the terms outlined in payback items "4f" and "4g" appeared to come from Arizona Revised Statutes (ARS).

City Engineer Greg Henry stated that was correct and the standard payback was 20 years per City ordinance.

Councilmember Carver made a MOTION to APPROVE items "4f" and "4g" as presented. Councilmember Miles SECONDED and it was APPROVED by a vote of 7-0.

Councilmember Carver stated section 302 of item "4j" stated the Transit Advisory Commission (TAC) was removing a set quorum and replacing it with a majority. Councilmember Carver stated that could lead to voices not being heard if members were absent.

Public Works Director Rob Owen stated TAC was having trouble filling positions and making a quorum now that the size of commission was reduced from seven to five members.

Councilmember Miles stated the bylaws dictated it was a majority of members, not a majority of members who were present. Councilmember Miles stated it would take three votes to approve an item.

Councilmember Carver made a MOTION to APPROVE item "4j." Councilmember Yocum SECONDED and it was APPROVED by a vote of 7-0.

## 5. **OLD BUSINESS**

### **a. Public Hearing and adoption of Ordinance 1799 amending the Kingman Tax Code by removing the sunset date of June 30, 2016 on the 0.50% increased taxation rate and keeping the Transaction Privilege Tax rate at 2.50%**

On May 7, 2013, Council adopted Ordinance 1751R which increased the taxation rate on most categories by 0.50% effective July 1, 2013 through June 30, 2016. The purpose of the temporary TPT increase was to supplement funding for necessary public safety equipment and fleet replacement, public safety facilities, street improvements and maintaining a general fund balance of 25% of its operating expenditures. Some of these items are ongoing and need funding to complete, and other items such as general fund expenditures have become a priority. At the June 16, 2015 City Council meeting, staff was given direction to move forward with the public hearing process to remove the sunset date of June 30, 2016 on the increased taxation rate. **Staff recommends adopting Ordinance 1799.**

Finance Director Tina Moline presented the following slides:

<div data-bbox="344 1251 818 1367"><p><b>PUBLIC HEARING</b> <b>Sunset Date Removal of TPT 0.50%</b> <b>Increase</b></p></div> <p data-bbox="699 1461 818 1482">October 6, 2015</p>	<div data-bbox="889 1142 1385 1167"><p><b>HISTORY BEHIND THE 0.50% TPT INCREASE IMPLEMENTATION</b></p></div> <div data-bbox="889 1184 1321 1335"><p>Revenue Reductions</p><ul style="list-style-type: none"><li>• Sales tax revenues declined</li><li>• State shared revenues decreased significantly</li><li>• Reduction in HURF funds</li><li>• Reduction in general fund impact fees and building permit fees</li><li>• Lottery and Powerball funds were swept by the State</li><li>• Interest earnings declined</li><li>• Budget FY13 g/f revenues were expected to be almost \$5,000,000 less than FY07 actual revenues</li></ul></div> <div data-bbox="889 1344 1354 1486"><p>Budget Cuts</p><ul style="list-style-type: none"><li>• Staff was reduced by 46 positions</li><li>• Salary increases were frozen indefinitely</li><li>• Employees bore the cost of increased health expenses – over \$600,000</li><li>• Some street maintenance and repair projects were put on hold</li><li>• Street improvement projects were removed from the pipeline</li><li>• Vehicle replacement program was eliminated – including public safety vehicles</li><li>• Technology enhancements and building maintenance and repairs were put on the back burner</li></ul></div>
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On slide one Ms. Moline read the agenda summary. On slide two Ms. Moline stated Fiscal Year (FY) 2007 was a high point in Kingman's economy and the City's revenues, at which point the sales revenues, state shared revenues, and other sources plummeted.





On slide seven Ms. Moline stated one of the major reasons the sunset was implemented was to allow time to locate a more permanent revenue source, such as a property tax. Ms. Moline stated a property tax required voter approval and if approved on a May, 2016 ballot the City would not receive the money until 2018. On slide eight Ms. Moline stated population had increased by 2,000 people since 2007, yet the City was expected to provide the same services at reduced staffing levels. Ms. Moline stated Staff recommended removing the sunset date.

Councilmember Young stated the Council could wait until the end of 2017 to implement a permanent replacement for the 0.5% TPT due to the high General Fund balance, which would offset the loss of 0.5% TPT revenue for 2017. Councilmember Young stated the City would be able to break even in 2017 and maintain its 25% General Fund balance requirement.

Mayor Anderson opened the public hearing at 6:18 P.M.

Kingman resident Herberta Schroeder stated the City needed to retain the 0.5% due to the fact that costs for services were rising and revenue was not. Ms. Schroeder stated many places had higher sales tax rates, such as Winslow, Arizona, and were able to run a well-funded city due to purchases made by tourists. Ms. Schroeder stated the City could implement a tiered tax scale and offer reduced tax rates on high dollar purchases. Ms. Schroeder stated increasing the bed tax rate and restaurant and bar tax rate would make Kingman non-competitive. Ms. Schroeder stated she did not believe a property tax would be approved by the voters and the City needed improved services in order to draw industries and residents.

Mr. Petit stated he would support increasing the sales tax as it resulted in a very small impact to the individual but a large benefit to the City. Mr. Petit stated he also supported a tiered tax scale for high end sales such as vehicles.

Mr. Dougherty stated every department asked for additional personnel this year, but few requests were granted. Mr. Dougherty stated the Fire Department would be requesting a new engine next year and were also planning a new fire station to improve response times on the east bench. Mr. Dougherty stated the City would need to decide how to pay for these projects and would have a difficult time securing a bank loan if the sunset was not repealed due to loss of revenue.

Mayor Anderson closed the public hearing at 6:32 P.M.

Councilmember Carver stated the 0.5% was intended to be a temporary revenue source while the Council secured public support for a primary property tax. Councilmember Carver stated Kingman residents used many services that the average tourist did not, however both groups were paying the same taxes. Councilmember Carver stated there were many absentee property owners that were profiting from rent and not paying anything for City services. Councilmember Carver stated the Council needed to educate the residents so they would be willing to approve a primary property tax.

Councilmember Miles stated Kingman needed to remain competitive with other cities and the tiered tax approach had some merit. Councilmember Miles stated the City needed diverse revenue streams and it appeared that in order to gross over the current 0.5% TPT a \$100,000 property would only pay \$170 a year in taxes, which was about \$15 per month. Councilmember Miles stated it was a small amount in order to fund public safety. Councilmember Miles stated the City needed more secure revenue streams than sales tax, which was unreliable.

Councilmember Young stated the City had \$1 million in contingency funds and an excellent General Fund balance, which would allow a year to educate Kingman residents and pass a primary property tax without extending the 0.5% TPT.

Mayor Anderson stated the City would not be able to collect the property tax immediately if it was approved, which meant the sunset needed to be extended to 2017 to cover City expenses.

Councilmember Carver stated he did not agree with a tiered tax scale as that gave breaks to those with more money. Councilmember Carver stated the property tax would be calculated using the assessed value, which was different and generally less than the price at which the property could be sold.

Councilmember Miles asked if the property tax election would cost the City money.

Ms. Muhle stated it would cost approximately \$120,000 as it could not be held during a consolidated election.

Councilmember Carver made a MOTION to extend the sunset date on the 0.5% TPT increase to December 31, 2017. Mayor Anderson SECONDED and it was APPROVED by a vote of 6-1 with Councilmember Young voting NAY.

Mayor Anderson directed Mr. Dougherty to identify a timeline for placing a primary property tax on the May, 2016 ballot.

6. **NEW BUSINESS**

**a. Authorization for General Fund Contingency transfer to fund abatements**

Four nearly completed abatement projects will cost the City \$34,361. Seven other projects will cost approximately \$42,500. In addition, there are still a number of properties that will begin the abatement process in the upcoming months. The FY2015-16 budget for abatements is \$61,900. In order to fund all of the existing projects as well as any upcoming projects, staff requests a general fund contingency transfer of \$50,000. **Staff recommends Council authorize a general fund contingency transfer of \$50,000 to fund future abatements during FY 2015-16.**

Ms. Moline stated the Development Services Department had 16 abatement projects, 5 of which were resolved without cost to the City as the property owners hired their own demolition services. Ms. Moline stated the requested funds would be used to complete the remaining seven projects with additional funds left over for future projects. Ms. Moline stated there would be no impact to the General Fund as the Development Services Department's budget was contained within the General Fund.

Mayor Anderson asked if a lien would be placed on the properties.

Ms. Moline stated a lien would be placed on the properties.

Councilmember Abram made a MOTION to AUTHORIZE a General Fund contingency transfer of \$50,000 to fund future abatements during FY 2015-16. Vice-Mayor Wimpee, Sr. SECONDED and it was APPROVED by a vote of 7-0.

**b. Proposed change to Ordinance 1681, Section 3-22, related to the number of pets allowed per**

**residence**

Resident Amber Novak sent a letter to Vice-Mayor Wimpee, Sr. requesting the City Council make changes to City of Kingman Ordinance 1681, Section 3--22, related to the number of pets allowed per residence to allow the livestock allowances on properly zoned property to be interchangeable. **Staff is seeking direction from Council on whether to draft an ordinance allowing the number of livestock pets allowed to be interchangeable in properly zoned areas.**

Amber Novak stated the current ordinance for a 40,000 square foot lot allowed two horses and one other hooved animal excluding pot belly pigs. Ms. Novak stated she was requesting to allow each one horse to be interchangeable with two goats or sheep. Ms. Novak stated she had dairy goats for medical purposes and wanted to purchase land in the City, but was unable to due to the restriction. Ms. Novak stated a dairy goat had to be bred periodically in order to keep producing milk and the number of kids the goat had would violate the current City ordinance.

Councilmember Carver asked if Ms. Novak sold the kids.

Ms. Novak stated she sold the kids after two months. Ms. Novak stated a maximum of four animals would be reasonable for the City and people raising dairy goats.

Councilmember Miles asked if the maximum number of animals was per 40,000 square feet or per residence as Ms. Novak's proposed ordinance did not specify.


Ms. Novak stated per residence would be a more appropriate way to word the ordinance.

Vice-Mayor Wimpee, Sr. made a MOTION to DIRECT staff to draft an ordinance allowing the number of livestock pets allowed to be interchangeable in properly zoned areas. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-1 with Councilmember Young voting NAY.

**c. Public Hearing and consideration of Ordinance 1804 approving the modification of Ordinance 951-Revised to allow the splitting of a lot located at 3320 Stockton Hill Road**

This is a request from Mohave Engineering Associates, Inc., applicant, and SK & M Investments, Inc., property owner, for the modification of certain zoning conditions of Ordinance 951-R. The proposal is to split this parcel into two lots. A future building, a maximum of 1,600 square feet, is proposed on the future north lot. The existing Taco Bell restaurant will be located on the south lot after the property is split. The Planning and Zoning Commission held a public hearing on September 8, 2015. The Planning and Zoning Commission voted 5-0 to recommend approval of the request with certain conditions. **Staff recommends approving Ordinance 1804.**

Development Services Director Gary Jeppson presented the following slides:



**Rezoning Case RZ15-003**  
**Modification of Ord. 951-Revised**


City Council Meeting  
October 6, 2015

### General Information

- **Applicant:** Mohave Engineering Associates, Inc.
- **Property Owner:** S K & M Investments.
- **Requested Action:** Modification of Ord. 951-Revised to allow Pad "B" as shown in attached site plan to be split into two lots with changes to the overall building sf and minimum parking requirements. Pad "B" (aka Lot 5, Wal-Mart/Albertson's Addition, Tr. 1942) is the location of Taco Bell at 3220 Stockton Hill Road.

Slide one was an introductory slide. Mr. Jeppson read slide two.

### Aerial View of Site



### Zoning and Development History

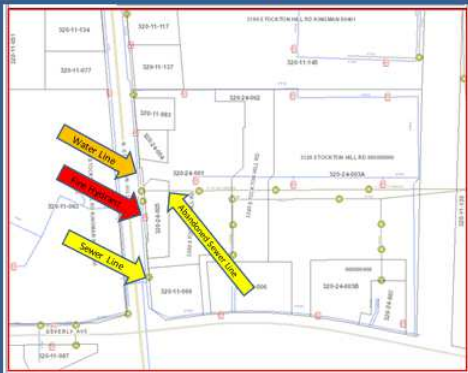
- The property was annexed into the City of Kingman in 1971, Ord. 139 with O: Recreational Open Space zoning applied.
- Rezoned to C-3 under Ord. No. 808 in 1990. A specific site plan was approved for a 228,000 sf shopping center.
- Ord No. 951-Revised passed in December, 1992 which amended Ord. No. 808. Revised site plan approved with a 218,000 sf shopping center including several separate pads and specific parking requirements.
- Taco Bell restaurant constructed on subject site in 1993.

Mr. Jeppson displayed an aerial view of the property on slide three. Mr. Jeppson read slide four.

### Public Utilities and Transportation

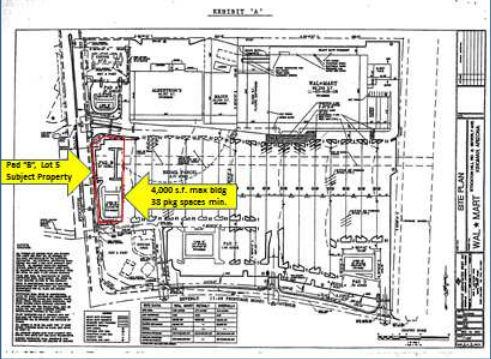
- Existing water and sewer lines serving the site are in Stockton Hill Road.
- There is an abandoned sewer line which crosses the northern portion of the subject site.
- Stockton Hill Road provides access through two off-site driveways north and south of the site. The street has a 100-ft to 108.20-ft wide right-of-way.
- Stockton Hill Road is fully improved with a dedicated right turn lane across most of the property frontage.

### Area Utility Map



Mr. Jeppson read slide five and displayed a map of utilities on slide six.



Analysis of Request	Exhibit "A" from Ord. 951-R
<ul style="list-style-type: none"><li>The request is to modify certain zoning conditions of Ord. No. 951-R to allow the site to be split. The ordinance included a specific site plan for the 218,000 sf Wal-Mart Albertson's shopping center constructed in 1993. The building area also included all separate pads on the perimeter of the center.</li><li>Pad "B", the location of the Taco Bell restaurant was permitted to have a maximum building size of 4,000 sf and a minimum of 38 parking spaces. The current building is 2,657 sf with 45 parking spaces.</li><li>A conceptual plan shows the approximate location of the proposed property line. A future 1,600 sf building is proposed on the north lot while the Taco Bell restaurant would be located on the south lot.</li><li>Based on the conceptual plan it appears the proposed split will meet the C-3 property development standards for lot size, widths and setbacks.</li></ul>	

On slide seven Mr. Jeppson stated public notification was posted and no comments were received. Mr. Jeppson displayed slide eight and stated Staff recommended approval.

Councilmember Young stated the area was very congested and asked what the impact on traffic would be if the lot was split.

Mr. Jeppson stated it would depend on the use of the property. Mr. Jeppson stated there would be a dedication of right away for future expansion of Stockton Hill Road, but the traffic pattern would not change.

Mayor Anderson opened the public hearing at 7:15 P.M.

Jaimini Upadhyaya from Mohave Engineering stated the company did not have any objects to the conditions outlined by the City.

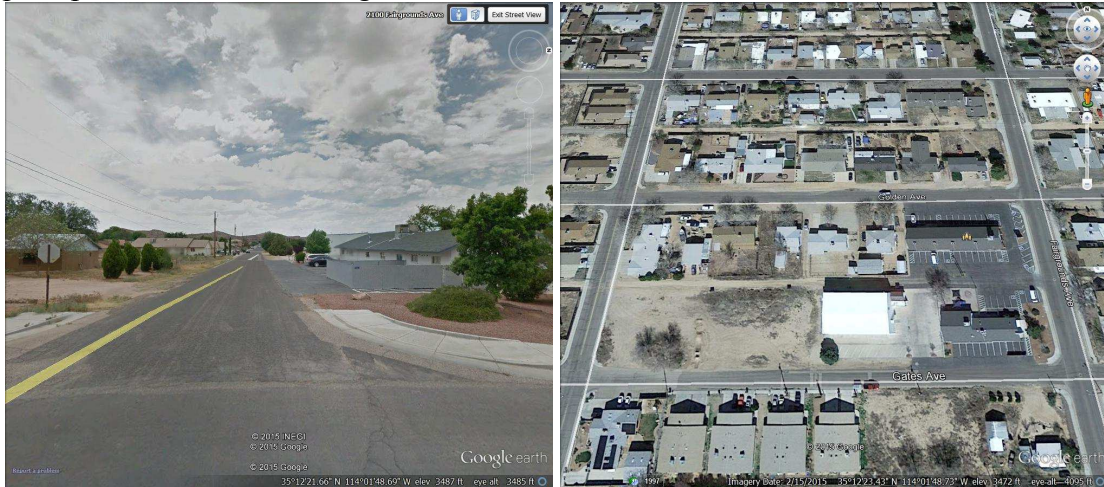
Mayor Anderson closed the public hearing at 7:17 P.M.

Councilmember Abram made a MOTION to APPROVE Ordinance 1804. Councilmember Miles SECONDED and it was APPROVED by a vote of 7-0.

#### **d. Consideration of Resolution 4971, approving a cash payment street deferral for Manzanita Baptist Church**

The Manzanita Baptist Church owns multiple lots along the north side of Gates Avenue west of Fairgrounds Boulevard. A building permit to remodel a gymnasium on the church property has been issued. Gates Avenue adjacent to the location of the gymnasium is presently improved with some asphalt paving and no curb, gutter or sidewalk. Because the proposed construction will exceed \$20,000.00, the Streets and Sidewalks Development Rules and Regulations require that the adjacent street improvements be completed on Gates Avenue. The scope of the required improvements would be a section, 187.5-feet in length, with curb, gutter, a four-foot wide sidewalk, two driveways, additional paving, and engineering and staking. The City Engineering Department's opinion of probable cost of these improvements is \$15,242.00. Manzanita Baptist Church sent a letter requesting a non-cash payment street improvement deferral. The Traffic Safety Committee (TSC) reviewed the deferral request on August 20, 2015. The TSC recommended that the applicant either complete the required improvements or make a payment in lieu of completing the improvements to the city rather than granting a non-payment deferral. **Staff recommends adopting Resolution 4971 if Council wishes to accept a cash payment for the required street improvements on Gates Avenue.**

Mr. Jeppson presented the following slides:



On slide one Mr. Jeppson read the agenda summary and stated the photo showed Gates Avenue looking west from Fairgrounds Boulevard. Mr. Jeppson stated the church would prefer to not make improvements at this time and staff recommended a cash bond to use for improvements in the future. Slide two was an aerial photo of the property.

Vice-Mayor Wimpee, Sr. asked if there were any sidewalk improvements on Gates Avenue.

Mr. Jeppson stated there were no improvements on the south side of Gates Avenue on that block and the cash bond would eventually be used to address drainage issues.

City Engineer Greg Henry stated the City was not asking the church to complete the improvements now because it would not be logical to have one section of curb in front of the gym, which was the only portion required to be completed at this time.

Ross Reinoso stated the church should not have to give money for something that may or may not happen, which was the development of the rest of the block to trigger the required sidewalk improvements. Mr. Reinoso stated the church was willing to put in the sidewalk when the rest of the block was developed, but it did not want to provide the money in advance.

Terri Olson provided photographs to the Council of the streets to the east and the west. Ms. Olson stated the church had saved for many years to be able to remodel the gym to include a commercial kitchen and ADA accessible bathrooms. Ms. Olson stated the church was a designated fallout shelter and Red Cross shelter, fed the needy in the community, and provided after school care. Ms. Olson stated it did not make sense to install one section of sidewalk in front of the gym.

Councilmember Miles asked if deferrals had ever been granted in the City.

Mr. Jeppson said they had.

Councilmember Miles asked if there was an expectation of infrastructure development on the street in the near future.

Mr. Jeppson stated there was not.

Mr. Henry stated Grace Lutheran Church was two blocks east and they put in sidewalk improvements when they improved their property a few years ago. Mr. Henry stated part of the motivation for sidewalk improvements was ADA compliance and the City was not suggesting improvements be constructed immediately due to the fact that it would be an isolated stretch of sidewalk.

Councilmember Abram stated if numerous deferrals were granted the City would end up with undeveloped streets. Councilmember Abram stated another option was to grant a deferral and place a lien against the property if the church did not provide the money for the improvements at the required time of installation.

Councilmember Miles stated the money may be better used in the community than being held by the City for an unknown amount of time.

Councilmember Miles made a MOTION to DENY APPROVAL of Resolution 4971. Councilmember Yocum SECONDED and it was APPROVED by a vote of 7-0.

**e. Second annual Rattlers Mountain Bike Race**

The Colorado River Area Trail Association (CRATA) is holding the Second Annual Rattler Mountain Bike Race in the Cerbat Foothills Recreation Area, west of downtown Kingman. The group is seeking \$4,000 to help on this event, which they believe will become self-sufficient after this year's event. This event is growing and is expected to be a great annual tourism event for Kingman. **The Tourism Development Commission recommends approval of this request.**

Brian Zimmerman displayed slides for the Council, which are included at the end of this report. On slides one through eight Mr. Zimmerman stated mountain biking offered a way for people to challenge themselves, fostered a sense of community, allowed faster access to hiking, and was a healthy hobby. Mr. Zimmerman reviewed the information on slide nine. On slides 10 through 14 Mr. Zimmerman stated mountain biking was a popular sport with a wide range of participants that provided sustainable growth for rural communities. Mr. Zimmerman reviewed the information on slide 15. On slide 15 Mr. Zimmerman stated the goal of the CRATA was to create a world class trail system to attract riders in the fall and winter. Mr. Zimmerman reviewed slide 17. On slides 18 and 19 Mr. Zimmerman stated the strategy was to grow the event and improve Kingman visitation during the fall and winter when other popular trail areas were covered in snow. On slide 20 Mr. Zimmerman stated CRATA had a wide range of volunteers. On slides 21 and 22 Mr. Zimmerman stated CRATA wanted to develop the Rattlers Mountain Bike Race into a world class event, which meant improving and expanding the trails and having adequate time to secure sponsors. Mr. Zimmerman reviewed the marketing plan on slides 23 through 25. On slide 26 Mr. Zimmerman stated CRATA was able to use very little money on advertising due to social media campaigns. Mr. Zimmerman stated CRATA was able to secure sponsorships, but was asking the TDC for money in order to cover all expenses for this year. Mr. Zimmerman stated CRATA would not receive the money from the participants' registration fees in time to use it for this year's event.

Councilmember Abram asked how many participants attended last year and how many were registered for this year.

Mr. Zimmerman stated there were 77 adult and 20 child participants last year. Mr. Zimmerman stated 54 adults were currently registered, but many people waited to register in order to check the weather for the day of the event.



Councilmember Abram asked what needed to be done to the trails in order to facilitate professional tours.

Mr. Zimmerman stated many trails needed to be reworked in order to become environmentally sustainable and connected to Downtown Kingman.

Councilmember Young asked where the trails were located.

Mr. Zimmerman stated most of the trails were on Bureau of Land Management (BLM) land. Mr. Zimmerman stated he was working with City Grant Administrator Bill Shilling to coordinate work with the City and County and everyone was working well together. Mr. Zimmerman stated CRATA would distribute surveys to the participants in order to gather information on what other tourism events would work well with the race, such as this year's Bluegrass Festival. Mr. Zimmerman stated participants traveled with people who did not participate in mountain biking events and these companions would be looking for events to enjoy as well, which was beneficial for Kingman.

Councilmember Young stated for-profit businesses should contribute funds to CRATA if the organization promoted their event. Councilmember Young asked if CRATA could make do with \$2,000.

Mr. Zimmerman stated it was possible, but it would put a strain on operations for next year. Mr. Zimmerman stated CRATA wanted to grow the event next year and it needed to keep some funds in reserve in case an event was unsuccessful due to the weather or other factors. Mr. Zimmerman stated CRATA would not return next year to ask for funds if it received the \$4,000.

Citizen William Wales stated he recently visited Southern California for a triathlon and many participants were interested in coming to Kingman for an event.

Vice-Mayor Wimpee, Sr. made a MOTION to APPROVE the Second annual Rattlers Mountain Bike Race application for \$4,000. Councilmember Abram SECONDED and it was APPROVED by a vote of 6-1 with Councilmember Carver voting NAY.

**f. Public hearing and consideration of Ordinance 1803 to amend Section 16.000: LIGHT INDUSTRY (I-1) of the Zoning Ordinance of City of Kingman**

This amendment is to add air ambulance services with accessory helicopter pads as an allowable use with a conditional use permit to Section 16.000: Light Industry. The light industry zoning district appears to be the most suitable district to allow for an air ambulance service compared to a commercial zoning district. Upon approval of this text amendment, if an air ambulance service is proposed, the applicant will apply for a conditional use permit. Staff and other reviewing agencies will conduct a more detailed review of the conditional use permit (CUP) application. The Planning and Zoning Commission held the public hearing on September 8, 2015 to consider this request. **The Commission voted 5-0 to recommend approval of the proposed text amendment as written. Staff recommends approving Ordinance 1803.**

Mr. Jeppson presented the following slides:



Text Amendment Case  
2015-003  
Amend Section 16.000,  
Light Industry, I-1, to  
allow for Air Ambulance  
Services

**City Council Meeting  
October 6, 2015**

### General Information

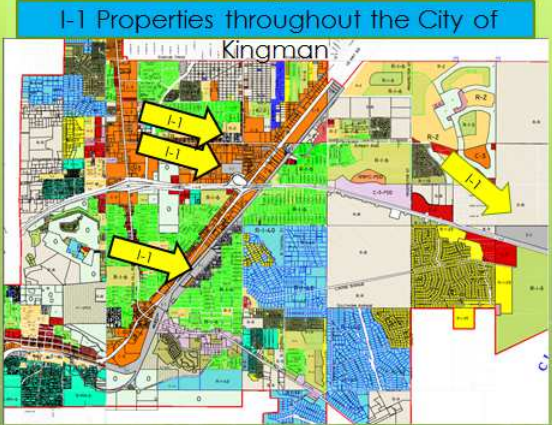
- **Applicant:** Ross and Marcy Reinoso
- **Requested Action:** A request to amend Section 16.000: Light Industry (I-1) of the Zoning Ordinance to allow for an air ambulance service as a permitted use upon approval of a Conditional Use Permit.
- The applicant is working with a client who wants to relocate their air ambulance service company within the City of Kingman.
- A public notice was advertised in the Kingman Daily Miner on August 23, 2015 and September 20, 2015.

On slide one Mr. Jeppson stated operating an air ambulance service would require a CUP. Mr. Jeppson reviewed the information on slide two.

### General Information

- If this request is approved, a conditional use permit will be required to be submitted by the applicant for the air ambulance service.
- A more detailed review of the air ambulance service will occur at the conditional use permit stage of processing.
- This amendment request is to review whether or not an "air ambulance service" should be added to the uses allowed within Light Industry Zoning (I-1) district upon approval of a Conditional Use Permit.

### I-1 Properties throughout the City of Kingman



Mr. Jeppson reviewed the information on slide three. On slide four Mr. Jeppson stated the map showed the I-1 areas in the City limits.

### Analysis & Recommendation

- The Light Industry zoning district appears to be the most suitable district to allow for an air ambulance service company as an allowed use with a conditional use permit.
- The requirement for the applicant to apply for a conditional use permit will allow the reviewing entities and the public to complete a more detailed review of the air ambulance service proposal before it is constructed.
- The staff and Planning and Zoning Commission recommend adoption of Ordinance #1803, which will amend Section 16.000 LIGHT INDUSTRY (I-1) of the City of Kingman Zoning Ordinance to may allow an air ambulance service facility by conditional use permit in the I-1 Zoning District.

Mr. Jeppson reviewed the information on slide five.

Councilmember Young asked if there was an air ambulance service currently in operation.

Mr. Jeppson stated there was an air ambulance service located at the airport.

Councilmember Carver asked where the air ambulance service wanted to operate.

Mr. Jeppson stated the company wanted to operate in the I-1 area along Andy Devine Avenue near the railroad tracks.

Councilmember Carver asked why the company wanted to relocate to City limits.

Mayor Anderson opened the public hearing at 8:12 P.M.

Ross Monroe of Guardian Air stated the company wanted to relocate to City limits for convenience and efficiency. Mr. Monroe stated the area that was being considered was near the closed railroad crossing at Louise Avenue and a fenced area would be erected for the helicopter.

Mayor Anderson closed the public hearing at 8:15 P.M.

Councilmember Abram made a MOTION to APPROVE Ordinance 1803. Vice-Mayor Wimpee, Sr. SECONDED.

Councilmember Carver stated the I-1 areas were surrounded by residential neighborhoods and the City would receive noise complaints. Councilmember Carver stated there did not seem to be a large change in convenience in moving from the airport to the proposed area on Andy Devine Avenue. Councilmember Carver stated the company would need to store jet fuel and drivers were not attentive to the road when a helicopter was nearby.

Mayor Anderson asked for a roll call vote.

The MOTION was DENIED by a VOTE of 3-4 with Vice-Mayor Wimpee, Sr., Councilmember Abram and Councilmember Yocum voting AYE and Mayor Anderson, Councilmember Carver, Councilmember Miles and Councilmember Young voting NAY.

**g. Presentation on Kingman's tourism potential**

James Hinckley, an author, promoter, and lecturer on Route 66, will provide information on Kingman's tourism potential.

James Hinckley stated he provided an unofficial report on tourism in the agenda packets and felt it was important to transform Kingman into a place that attracted tourists. Mr. Hinckley stated tourism could help boost interest in developing businesses. Mr. Hinckley stated many other towns along Route 66, such as Pontiac, Illinois, had successfully marketed their cultural heritage travel opportunities. Mr. Hinckley stated the American southwest and Route 66 were attractive to tourists looking to learn about cultural heritage and the International Route 66 Festival was a catalyst for putting Kingman on the map for cultural heritage tourism, especially abroad. Mr. Hinckley stated three tour companies were planning to visit Kingman's walk of fame next year and a 200 historical electric car museum was also in the planning stages.

Mayor Anderson stated Kingman needed to market its features and the City needed to partner with Mr. Hinckley as a way to promote the area and bring people to Kingman.

Mr. Hinckley stated historic property renovations had a higher return on investment than new development. Mr. Hinckley stated the National Park Service was working to develop Route 66 as a linear community through its Route 66 road ahead initiative. Mr. Hinckley stated Kingman needed to coordinate its efforts to use resources, time and money more efficiently.

**h. James Hinckley funding request**

James Hinckley, an author, promoter, and lecturer on Route 66, is seeking monies through the Tourism Development fund to promote Kingman. Mr. Hinckley is seeking funding to finance his travels to the Miles of Possibilities Conference in Edwardsville, Illinois, and other Route 66 conventions in Missouri, Los Angeles and Germany. **The Tourism Development Commission (TDC) met on September 17, 2015 and recommended denial of this request and believed that funding for these activities should come from the Kingman Powerhouse Visitor Center budget.**

Mr. Hinckley stated the Kingman Visitors Center Inc. provided \$3,000 for his trip to Edwardsville, Illinois. Mr. Hinckley stated he was looking for travel expenses for the remaining itinerary. Mr. Hinckley stated he recently received more invitations to discuss Route 66 and tourism in western Arizona and was seeking funding for travel expenses for these opportunities.

Mr. Petit stated he was a commissioner on the TDC and while the commission supported Mr. Hinckley's proposal, they did not believe the money should come from the TDC budget as it did not meet the criteria for awarding funds. Mr. Petit stated it was not possible to accurately measure the impact Mr. Hinckley's presentations would have on Kingman tourism revenue. Mr. Petit stated the commission believed the money should come from the Kingman Visitors Center Inc. budget and the bulk of Mr. Hinckley's request would be covered in the FY 2017 budget.

Councilmember Abram stated the City needed to define what it expected in return for its money, which could be considered contracting with Mr. Hinckley.

Assistant City Attorney Lee Hocking stated the City Attorney's Office felt the proposal violated the gift clause and the best practice would be to make Mr. Hinckley an independent contractor.

Councilmember Miles stated she agreed a contract should be signed with Mr. Hinckley that included specific returns.

Councilmember Carver stated the Council needed more legal guidance before agreeing to provide funds.

Mr. Petit stated the commission did not want to jeopardize Mr. Hinckley's income, which was why the proposal was to award Mr. Hinckley the funds. Mr. Petit stated becoming an independent contractor would burden Mr. Hinckley with certain financial obligations due to the funding being considered as income.

Councilmember Abram stated the item needed to be tabled.

**i. Discussion and possible action concerning the Kingman City Council Values and Code of Ethics**

The original Values and Code of Ethics was completed in 2012 and updated in 2014. Since the election of new members it has never been discussed or signed by the current Council Members. Staff has provided the previous editions of the Values and Code of Ethics for review and comment. **Council discretion.**

Mayor Anderson stated he wanted the Council to review the existing Council Values and Code of Ethics, make changes if necessary, and then approve and sign them if the councilmembers were

willing.

Councilmember Abram made a MOTION to APPROVE the existing Council Values and Code of Ethics with the stipulation that the documents are reviewed, approved and signed annually by the councilmembers. Mayor Anderson SECONDED and it was APPROVED by a vote of 7-0.

7. **REPORTS**

**Board, Commission and Committee Reports by Council Liaisons**

There were no reports.

8. **ANNOUNCEMENTS BY MAYOR, COUNCIL MEMBERS, CITY MANAGER**

*Limited to announcements, availability/attendance at conferences and seminars, requests for agenda items for future meetings.*

**If needed.**

Mr. Dougherty stated he attended the International City/County Management Association conference last week and many attendees recognized Kingman and associated it with Route 66.

Councilmember Yocum stated the Walk Away from Drugs would be held Wednesday, October 7, 2015 in Centennial Park.

Councilmember Miles thanked Staff for the hard work during the Best of the West on Route 66 Festival and the Andy Devine Days Parade.

Councilmember Abram stated Route 66 Cruizers Halloween Bash was coming up on October 31, 2015. Councilmember Abram stated he saw many tour buses stopped at the outlet mall in Barstow, California on a recent trip. Councilmember Abram stated there was the same type of potential for Kingman.

Mayor Anderson stated he saw 12 buses in Seligman, Arizona and agreed with Councilmember Abram. Mayor Anderson stated he met with Representative Paul Gosar to discuss the airport and transportation infrastructure. Mayor Anderson stated Representative Gosar was concerned about failing infrastructure. Mayor Anderson stated Mohave County would host the annual Arizona supervisors conference next week.

Vice-Mayor Wimpee, Sr. made a MOTION to ADJOURN. Councilmember Young SECONDED and it was APPROVED by a vote of 7-0.

**ADJOURNMENT – 9:05 P.M.**

ATTEST:

APPROVED:

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Sydney Muhle  
City Clerk

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Richard Anderson  
Mayor

STATE OF ARIZONA)  
COUNTY OF MOHAVE)ss:

CITY OF KINGMAN)

CERTIFICATE OF COUNCIL MINUTES

I, Erin Roper, Deputy City Clerk and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the Common Council of the City of Kingman held on October 6, 2015.

Dated this 20<sup>th</sup> day of October, 2015.

\_\_\_\_\_  
Erin Roper, Deputy City Clerk and Recording Secretary

DRAFT

**CITY OF KINGMAN  
MEETING OF THE COMMON COUNCIL  
Council Chambers  
310 N 4<sup>th</sup> Street**

**8:30 P.M.**

**MINUTES**

**Friday, October 16, 2015**

**WORK SESSION MEETING OF THE COMMON COUNCIL**

<b>Members</b>	<b>Officers</b>	<b>Visitors Signing in</b>
<b>Richard Anderson – Mayor</b>	<b>John Dougherty, City Manager</b>	<b>See attached list</b>
<b>Mark Wimpee, Sr. – Vice-Mayor - EXCUSED</b>	<b>Carl Cooper, City Attorney</b>	
<b>Mark Abram</b>	<b>Joe Clos, Information Services Director</b>	
<b>Larry Carver</b>	<b>Gerry Delgado</b>	
<b>Jen Miles</b>	<b>Jeff Baker</b>	
<b>Stuart Yocum</b>	<b>Sydney Muhle, City Clerk</b>	
<b>Carole Young</b>	<b>Erin Roper, Deputy City Clerk and Recording Secretary</b>	

**WORK SESSION MEETING OF THE COMMON COUNCIL**

**ALL WORK-SESSION ITEMS LISTED ARE FOR DISCUSSION ONLY. NO ACTION CAN OR WILL BE TAKEN.** The primary purpose of work session meetings is to provide the City Council with the opportunity for in-depth discussion and study of specific subjects. Public comment is not provided for on the Agenda and may be made only as approved by consensus of the Council. In appropriate circumstances, a brief presentation may be permitted by a member of the public or another interested party on an Agenda item if invited by the Mayor or City Manager to do so. The Mayor may limit or end the time for such presentations.

**CALL TO ORDER**

Mayor Anderson called the meeting to order at 8:31 A.M. All councilmembers were present except for Vice-Mayor Wimpee, Sr., who was excused. Mayor Anderson stated Vice-Mayor Wimpee, Sr. submitted a letter of resignation from the Council.

**Novus Agenda Training**

As part of the Fiscal Year 2105-2016 budget the City Council approved the acquisition of an electronic agenda management system. The City Clerk's Office has contracted with Novus Agenda Solutions to utilize their program to implement electronic paperless agendas. The City Council will receive training on this new program from a Novus Agenda representative, the City Clerk's Office, and the City's Information Technology Department. This training will consist of a mock City Council meeting to allow Council members the opportunity to learn how

the system will operate during a real meeting. No action will be taken during this meeting and this is for training purposes only.

Richard Gilmore of Novusolutions addressed the Council via conference call. Mr. Gilmore displayed the meeting creator and board view of the system for the Council and reviewed key features.

City Attorney Carl Cooper stated any notes or comments made in the system would be considered public record and subject to release if requested.

City Clerk Sydney Muhle helped the councilmembers change their passwords and guided them through a mock agenda on the iPads. Ms. Muhle displayed and reviewed the public website and view of the agenda.

The Council worked independently and with City staff to familiarize themselves with the iPads and software system.

Councilmember Abram left the meeting at 9:21 A.M.

The meeting was adjourned at 9:28 A.M.

**ADJOURNMENT --- 9:28 A.M.**

ATTEST:

APPROVED:

\_\_\_\_\_  
Sydney Muhle  
City Clerk

\_\_\_\_\_  
Richard Anderson  
Mayor

STATE OF ARIZONA)  
COUNTY OF MOHAVE)ss:  
CITY OF KINGMAN)

**CERTIFICATE OF COUNCIL MINUTES**

I, Erin Roper, Deputy City Clerk and Recording Secretary of the City of Kingman, Arizona, hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Work Session Meeting of the Common Council of the City of Kingman held on October 16, 2015.

Dated this 20<sup>th</sup> day of October, 2015

\_\_\_\_\_  
Erin Roper, Deputy City Clerk and Recording Secretary





## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Sydney Muhle, City Clerk

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Appointment to the Local Public Safety Personnel Retirement System (PSPRS) Board

---

### **SUMMARY:**

A vacancy has been created on the Local Public Safety Personnel Retirement System (PSPRS) Board due to the resignation of another member. Captain Joe Cowin has been selected by his fellow firefighters to represent the fire personnel with the City of Kingman on this board. At their meeting of October 8, 2015, the Local PSPRS Board voted 5-0 to recommend appointment of Captain Cowin to fill this vacancy.

### **FISCAL IMPACT:**

None.

### **STAFF RECOMMENDATION:**

Appoint Captain Cowin to fill the vacancy on the Local PSPRS Board

### **REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	10/9/2015 - 12:28 PM
City Attorney	Cooper, Carl	Approved	10/9/2015 - 6:40 PM
City Manager	Dougherty, John	Approved	10/14/2015 - 4:41 PM



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** John Dougherty, City Manager

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Appointment to the Economic Development and Marketing Commission (EDMC)

---

**SUMMARY:**

The EDMC currently has three vacancies due to resignations. One term expires December, 2015 and two terms expire December, 2017. On October 14, 2015 the EDMC voted 4-0 to appoint Yvonne Woytovich to one of the terms expiring December, 2017.

**FISCAL IMPACT:**

None

**STAFF RECOMMENDATION:**

Staff recommends appointing Yvonne Woytovich to fill one of the terms expiring in December, 2017.

**ATTACHMENTS:**

Description

Application

**REVIEWERS:**

Department	Reviewer	Action	Date
City Manager	Dougherty, John	Approved	10/14/2015 - 5:32 PM
City Attorney	Cooper, Carl	Approved	10/14/2015 - 5:39 PM
City Manager	Dougherty, John	Approved	10/14/2015 - 5:34 PM



**CITY OF KINGMAN  
BOARDS AND COMMISSIONS APPLICATION**

*du*

15 SEP 9 10:25 05s

FOR MEMBERSHIP ON THE ECONOMIC DEVELOPMENT & MARKETING Comm.  
Estimated hours per month you can devote to this group: 5

Name Yvonne Woytovich Home Phone # 760-985-9838  
Address 3080 Amarck Cir Alternative Phone # 928-753-6253  
Zip Code 86401  
Email yvonne@kingmanchamber.com Resident Yes ☒ No ☐

Length of Residency 1 year Are you a registered voter? Yes ☒ No ☐

If asked, I would be willing to serve on another board or Commission. Yes ☒ No ☐

List other boards or commissions interested in:

HISTORIC PRESERVATION

PLANNING & ZONING

1. List your educational background. B.A. IN ENGLISH, ATTENDED UNIVERSITY OF OKLAHOMA ECONOMIC DEVELOPMENT ESSENTIALS PROGRAM. GRADUATE OF U.S. Chamber INSTITUTE OF ORGANIZATION MANAGEMENT.

2. Please state your occupational background as it relates to the board or commission you are applying for beginning with your current occupation and employer.

I CURRENTLY SERVE AS CEO FOR THE KINGMAN AREA Chamber of Commerce. PRIOR TO MY POSITION HERE I WAS CEO of the Hesperia (CA) Chamber of Commerce FOR 7 YEARS.

3. Describe your involvement in the Kingman community. THROUGH MY JOB I am heavily INVOLVED IN THE KINGMAN COMMUNITY. I AM A MEMBER OF THE KINGMAN

Route 66 Rotary. I WORK WITH SEVERAL LOCAL GROUPS ON COMMUNITY EVENTS AND SUPPORT PROGRAMS THAT BENEFIT THE KINGMAN COMMUNITY.

4. Describe your leadership roles and/or any special expertise you have which would be applicable to the position for which you are applying.

AS CEO OF THE CHAMBER, I SERVE AS THE VOICE OF OUR MEMBERS, THE BUSINESS AND NON-PROFIT COMMUNITY. I AM THE LEAD AGENT FOR THE KINGMAN ABC TEAM, A GROUP OF INTERESTED LEADERS WORKING TO WIN ECONOMIC DEVELOPMENT PRIZE MONEY.

5. Describe why you are interested in serving in this position.

AS THE CHAMBER CEO, I HAVE A VESTED INTEREST IN THE ECONOMIC VITALITY OF KINGMAN. I HAVE A KEEN INTEREST IN THE SUBJECT AND WOULD LIKE TO BE PART OF THE COMMISSION THAT DEALS WITH ECONOMIC DEVELOPMENT IN OUR COMMUNITY.

6. If you are appointed to any of the boards or commissions you have listed interest in, please list potential conflicts of interest. Explain: I DO NOT SEE ANY AT THIS TIME.  
THE ONLY POTENTIAL CONCERN IS ENSURING COMPLIANCE  
WITH BROWN ACT RULES AT CHAMBER OF COMMERCE EVENTS  
WHERE OTHER COMMISSION MEMBERS MAY BE PRESENT

Appointment to this board, commission or advisory committee will require your consistent attendance at regularly scheduled meetings. Please note the times below for each Board or Commission. All meetings are held at the Council Chambers, 310 N. 4<sup>th</sup> Street, Kingman.

Board of Adjustment	As Needed
Building Board of Appeals	As Needed
Business License Review Board	As Needed
Clean City Commission	3rd Thursday/Monthly @ 5:00PM
Economic Development Marketing Commission	2 <sup>nd</sup> Wednesday/Monthly @ 7:30 AM
Golf Course Advisory Committee	3rd Wednesday/odd months @ 4:30PM
Historical Preservation Commission	4 <sup>th</sup> Tuesday/odd months @ 5:30PM
Industrial Development Board	As Needed
Local Public Safety Personnel Retirement Board	As Needed
Municipal Property Corporation	As Needed
Municipal Utilities Commission	4th Thursday/Monthly @ 5:30 PM
Parks & Recreation Commission	3rd Wednesday/odd months @ 6:30PM
Personnel Board	As Needed
Planning & Zoning Commission	2nd Tuesday/Monthly @ 6:00PM
Tourism Development Commission	1st Thursday/Monthly @ 7:30AM
Transit Advisory Commission	2 <sup>nd</sup> Tuesday/1 <sup>st</sup> month of Quarter @10:00

This application is subject to the Arizona Open Records law and should not be considered confidential.

Signature of Applicant [Signature] Date 9-9-15

Please return this application to:  
 City of Kingman  
 City Clerk's Office  
 310 North Fourth Street  
 Kingman, AZ 86401

Fax (928) 753-6867

For further information, please call: City Clerk's office at (928) 753-5561.

*Thank you for taking the time to fill out this application. Volunteers play a vital role in the City of Kingman government. We appreciate your interest.*



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Chief Robert J. DeVries

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Recognition of Explorer Post #47

---

### **SUMMARY:**

Seven members of the Kingman Police Department Explorer Post #47 along with three Advisors participated in the 2015 Southern Arizona Law Enforcement Explorer Competition (SALEEC) over October 10th and 11th in Marana. The competition drew eighteen teams with over 200 Explorers representing law enforcement agencies from across Arizona, California and Texas.

In 2014 the KPD team won 6 trophies when they competed as a group for the first time. This year the team won eight trophies in the following categories;

- 1st Place - Use of Force Scenarios
- 1st Place - Active Shooter and Officer Down
- 3rd Place - Crisis Negotiations & Building Entry
- 3rd Place - Felony Vehicle Stop and Search
- 3rd Place - Report Writing and Courtroom Testimony
- 3rd Place - Male Obstacle Course
- 4th Place - Domestic Violence
- 4th Place - Overall Competition

The team served as excellent ambassadors for the City of Kingman and our department. This significant achievement speaks to the professionalism and dedication of our Explorers and their Advisors

### **FISCAL IMPACT:**

None

### **STAFF RECOMMENDATION:**

Recognize and congratulate the members of Explorer Post #47 and their Advisors on the significant accomplishment.

### **REVIEWERS:**

Department	Reviewer	Action	Date
Police Department	DeVries, Robert	Approved	10/12/2015 - 5:23 PM
City Attorney	Cooper, Carl	Rejected	10/13/2015 - 6:52 PM

Police Department  
City Attorney  
City Manager

DeVries, Robert  
Cooper, Carl  
Dougherty, John

Approved  
Approved  
Approved

10/13/2015 - 6:59 PM  
10/13/2015 - 6:59 PM  
10/14/2015 - 5:26 PM



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** City Clerk

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Liquor License Application

---

**SUMMARY:**

Applicant Michele Lyn Lin of Lin's Little China II, Inc has applied for a Series 12 Liquor License at 4120 Stockton Hill Road.

**FISCAL IMPACT:**

None

**STAFF RECOMMENDATION:**

Approve the Liquor License application.

**ATTACHMENTS:**

Description

First page of Liquor License application

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	10/1/2015 - 11:50 AM
City Attorney	Cooper, Carl	Approved	10/1/2015 - 11:54 AM
City Manager	Dougherty, John	Approved	10/14/2015 - 5:24 PM



Arizona Department of Liquor Licenses and Control  
800 W Washington 5th Floor  
Phoenix, AZ 85007  
www.azliquor.gov  
(602) 542-5141

COPY

15 DEC 18 14 PM 1:55

Application for Liquor License  
Type or Print with **Black Ink**

**SECTION 1** This application is for a:

- ☒ Interim Permit (Complete Section 5)  
☒ New License (Complete Sections 2, 3, 4, 13, 14, 15, 16)  
☐ Person Transfer (Complete Section 2, 3, 4, 12, 13, 14, 16)  
☐ Location Transfer (Bars and Liquor Stores Only)  
(Complete Section 2, 3, 4, 11, 13, 14, 16)  
☐ Probate/ Will Assignment/ Divorce Decree  
(Complete Sections 2, 3, 4, 9, 13, 14, 16)  
(Fee not required)  
☐ Government (Complete Sections 2, 3, 4, 10, 13, 16)  
☐ Seasonal

**SECTION 2** Type of Ownership:

- ☐ J.T.W.R.O.S. (Complete Section 6)  
☐ Individual (Complete Section 6)  
☐ Partnership (Complete Section 6)  
☒ Corporation (Complete Section 7)  
☐ Limited Liability Co (Complete Section 7)  
☐ Club (Complete Section 8)  
☐ Government (Complete Section 10)  
☐ Trust (Complete Section 6)  
☐ Tribe (Complete Section 6)  
☐ Other (Explain) \_\_\_\_\_

**SECTION 3** Type of license

LICENSE #

12083537

1. Type of License: Restaurant - Series 12

**APPLICATION FEE AND INTERIM PERMIT FEES (IF APPLICABLE) ARE NOT REFUNDABLE**

A service fee of \$25 will be charged for all dishonored checks (A.R.S. § 44-6852)

**SECTION 4** Applicants

1. Individual Owner/Agent's Name: Lin, Michele Lyn

Last

First

Middle

2. Owner Name: Lin's Little China II, Inc.

(Ownership name for type of ownership checked on section 2)

3. Business Name: Lin's Little China II

(Exactly as it appears on the exterior of premises)

4. Business Location Address: 4120 Stockton Hill Road, Kingman, AZ 86409 Mohave

(Do not use PO Box)

Street

City

State

Zip Code

County

5. Mailing Address:

(All correspondence will be mailed to this address) Street

City

State

Zip Code

6. Business Phone: 928-208-0535 928-529-5333 Daytime Contact Phone:

7. Email Address:

8. Is the Business located within the incorporated limits of the above city or town? ☒ Yes ☐ No

9. Does the Business location address have a street address for a City or Town but is actually in the boundaries of another City, Town or Tribal Reservation? ☐ Yes ☒ No

If Yes, what City, Town or Tribal Reservation is this Business located in:

10. Total Price paid for Series 6 Bar, Series 7 Beer & Wine Bar or Series 9 Liquor Store (license only) \$

Fees:	100.00	100.00	50.00		\$ 250.00
	Application	Interim Permit	Site Inspection	Finger Prints	Total of All Fees
Is Arizona Statement of Citizenship & Alien Status for State Benefits complete? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No					
Accepted by:	JB	Date:	08-18-15	License #	12083537





## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** City Clerk's Office

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Resolution 4914-R approving a water payback agreement with Cottonwood Industrial LLC

---

### **SUMMARY:**

On October 21, 2014 the Council approved a water payback agreement with Cottonwood Industrial LLC; however, the name of the business was recorded incorrectly as Cottonwood Industries LLC. Resolution 4914-R will correct this.

### **FISCAL IMPACT:**

None

### **STAFF RECOMMENDATION:**

Approve Resolution 4914-R

### **ATTACHMENTS:**

Description

Resolution 4914-R

### **REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	10/9/2015 - 12:30 PM
City Attorney	Cooper, Carl	Approved	10/9/2015 - 6:43 PM
City Manager	Dougherty, John	Approved	10/14/2015 - 5:31 PM

When Recorded return to:  
Kingman City Clerk  
310 N. 4<sup>th</sup> Street  
Kingman, AZ 86401

**Waterline Payback**

**CITY OF KINGMAN, ARIZONA  
RESOLUTION NO. 4914-R**

**A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA; APPROVING A PAYBACK AGREEMENT WITH COTTONWOOD INDUSTRIAL LLC FOR AN 8 INCH WATER LINE THAT EXTENDS APPROXIMATELY 608 LINEAR FEET IN ADAMS STREET AND HUALAPAI MOUNTAIN ROAD TO ACCOMMODATE THE VETERANS AFFAIRS OUTPATIENT CLINIC AT 2668 HUALAPAI MOUNTAIN ROAD**

**WHEREAS**, Article IX, Section 9.1 of the Municipal Utilities Regulations allows the City to establish and collect paybacks for water and/or sewer projects constructed by private developers, and;

**WHEREAS**, Cottonwood Industrial LLC did install at its expense 608 linear feet of eight-inch water line in Adams Street and Hualapai Mountain Rd and across the frontage of Parcel 321-06-073 at a cost of \$56,459.64 which includes both design and construction costs, and;

**WHEREAS**, the total front footage of properties which benefit from the 608 linear feet of eight-inch water line in Adams Street and Hualapai Mountain Rd is determined to be 799.59 linear feet, and;

**WHEREAS**, this payback is hereby calculated on the cost per linear foot of \$56,459.64 divided by 799.59 linear feet which equates to a cost of \$70.0487 per linear foot, and;

**WHEREAS**, information on the properties affected by this payback, a map showing the payback limits and calculations of the payback amounts based upon a cost per linear foot basis are attached as Exhibit "A," and;

**WHEREAS**, the monies collected from this payback will be returned to Cottonwood Industrial LLC.

**NOW, THEREFORE, BE IT RESOLVED** that the Mayor and Common Council of the City of Kingman hereby declares:

1. The payback for the 608 linear feet of eight-inch water line in Adams Street and Hualapai Mountain Rd is established on a per linear foot basis of \$70.0487. A list of the properties affected is attached hereto as Exhibit "A."
2. The City shall collect the amounts due in accordance with the Municipal Utility Regulations and return the money to Cottonwood Industrial LLC.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona, on October 20, 2015.

**ATTEST:**

\_\_\_\_\_  
Sydney Muhle, City Clerk

**APPROVED:**

\_\_\_\_\_  
Richard Anderson, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carl Cooper, City Attorney



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Engineering Services

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Authorizing the purchase of real property on Gates Avenue for drainage purposes, ENG15-018

---

### **SUMMARY:**

On March 17, 2015, Council approved Resolution No. 4936, which authorized staff to proceed with acquiring vacant property on Gates Avenue for drainage purposes. The property is owned by Cheryl Bowen and is identified as tax parcel 311-14-324. The property is 5,000 square feet in area and is a natural low point which ponds with storm runoff. The City has recently acquired adjacent property on Gates Avenue at an appraised value of \$12,000. The owner has indicated that \$12,000 is the minimum that she would accept for the property.

Staff recommends proceeding with the Gates property acquisition. Upon Council approval, staff will open an escrow with one of the local Title agencies to finalize this land purchase.

### **FISCAL IMPACT:**

The purchase price will be \$12,000 plus escrow closing costs. The Flood Control Budget identified \$100,000 in Flood Control Funds for Land Acquisition for Drainage Purposes.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the property purchase for \$12,000 plus escrow fees and authorizing the mayor to sign all property deeds and acceptance statements associated with this acquisition.

### **ATTACHMENTS:**

Description

Cheryl Bowen 9.14.2015

311-14-324 Map

### **REVIEWERS:**

Department	Reviewer	Action	Date
Engineering	Henry, Greg	Approved	10/6/2015 - 1:02 PM
City Attorney	Cooper, Carl	Approved	10/9/2015 - 6:40 PM
City Manager	Dougherty, John	Approved	10/14/2015 - 4:49 PM



*City of Kingman*

310 NORTH FOURTH STREET • KINGMAN • ARIZONA • 86401 • 928 • 753-5561  
[www.ci.kingman.az.us](http://www.ci.kingman.az.us)

September 14, 2015

Cheryl Bowen  
PO Box 2384  
Seabrook, NH 03874

RE: Gates Avenue Property  
Golden Gate Addition, Unit 7, Block 151, Lot 51 & 52  
Assessor Parcel Number 311-14-324  
City File ENG15-018

Dear Ms. Bowen:

This letter is to confirm our understanding of a possible purchase of your property by the City of Kingman. The terms and conditions of the sale are subject to the full review and approval by the City Council.

You currently own property on Gates Avenue which property is described as Golden Gate Addition, Unit 7, Block 151, Lot 51 & 52 (Tax Parcel 311-14-324).

You have indicated that you are willing to sell the above property subject to the following conditions:

1. That the purchase price for the two lots will be \$12,000.
2. Except for property taxes, the City will pay all closing costs associated with the property sale.

If you are still agreeable to this proposal, please sign in the space below and return to me in the envelope provided. Please let me know if you have any questions.

Sincerely,

Gregory T. Henry, P.E.  
City Engineer  
[ghenry@cityofkingman.gov](mailto:ghenry@cityofkingman.gov)  
(928) 753-8329

Agreed to and Accepted

  
Cheryl Bowen

Dated: 9/22/2015



GOLDEN GATE AVE

311-14-319G

2116 STOCKTON HILL RD KINGMAN

Subject  
Property

311-14-330  
21N 16V

311-14-329

311-14-328

311-14-327

311-14-326

18

311-14-325

311-14-324

311-14-323A

311-14-323B

GATES AVE

STOCKTON HILL RD



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Engineering Services

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Grant of Utility Easement for UniSource Electric, Inc. at City parcel 322-06-010 located directly south of Interstate 40 (Project ENG15-069)

---

### **SUMMARY:**

The City of Kingman is the owner of a 168.46 acre parcel (Parcel 322-06-010). This parcel is located directly south of Interstate 40 between the projected street alignments for Castle Rock Road and Prospector Street. The property is vacant with some minor use for runoff detention. Possible future projects on this parcel may include the south leg of the Kingman Crossing Interchange and an overpass of Interstate 40 at Prospector Street.

UniSource Electric, Inc. discovered that their existing overhead power lines and anchor poles along the western boundary of this parcel are outside of an existing 10 feet wide State utility permit granted for these power lines when this parcel was owned by the State. The proposed easement is for existing utility lines so there are no anticipated conflicts with current site access, functions and improvements. The possible future projects are located east of the proposed easement so there should be little or no conflicts with the proposed easement. The easement agreement has a provision to remove or relocate these items at no costs to the City if they are required by the City to accommodate improvements within this parcel for the public benefit. This easement request will correct this omission and provided for legal access and placement of these overhead utility lines.

The easement requests have been sent out for City staff review with all comments and concerns addressed. Staff recommends that the utility easement for UniSource Electric, Inc. be granted.

### **FISCAL IMPACT:**

No cost.

### **STAFF RECOMMENDATION:**

It is recommended that the Mayor be authorized to sign the Utility Easement Agreement form on behalf of the City of Kingman.

### **ATTACHMENTS:**

Description

Utility Easement Agreement

Site Aerial Photo

**REVIEWERS:**

Department	Reviewer	Action	Date
Engineering	Henry, Greg	Approved	10/12/2015 - 2:14 PM
City Attorney	Cooper, Carl	Approved	10/13/2015 - 6:41 PM
City Manager	Dougherty, John	Approved	10/14/2015 - 5:24 PM



When Recorded HOLD for:  
UNS Electric, Inc.  
Attn: R/W Department

R/W # - 105E/15-001  
Type / Rqstr. - Electric / ds  
Service area - Kingman

## UTILITY EASEMENT AGREEMENT

### CITY OF KINGMAN

(hereinafter referred to as "Grantor"), hereby grants and conveys to **UNS Electric, Inc.**, an Arizona corporation, its successors and assigns (hereinafter referred to as "Grantee"), for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, a perpetual, non-exclusive easement and right-of-way of a width and course described on Exhibits "A" & "B" attached hereto, to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time, electric lines and appurtenant facilities for the transmission and distribution of electricity, consisting of wires, underground conduits, cables, vaults, manholes, hand holes, and including above-ground enclosures, markers, concrete pads, risers, poles, anchors, guy wires and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for attached communication facilities, including those of other entities, in, over, under, and across said easement and right-of-way (the "Easement") within that certain real property as described below (the "Property"), together with, as part of said Easement, the right of reasonable ingress and egress over, and temporary work space upon, the Property in order to access and make full use of the Easement.

The Property being a portion of the West (W½) half of  
Section 9, T. 21 N., R. 16 W., Gila & Salt River Meridian, Mohave County, Arizona.

Legal description of easement:

See Exhibit A for text description of the Easement.

See Exhibit B for graphic depiction of the Easement.

Grantor agrees for itself, its successors and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, landscaping, earth fill, walls or fences upon the Easement, which would impair the repair, maintenance or removal of any or all of Grantee's facilities. All facilities installed by Grantee in and upon the Easement shall remain the personal property of the Grantee and shall not be deemed a part of the realty.

Grantee and its contractors, agents and employees shall have the right to trim or top such trees and to cut such roots and remove such obstacles that could endanger or interfere with Grantee's facilities, and shall have free access to said facilities and every part thereof, at all times, for the purpose of exercising the rights herein granted.

Grantor shall not increase or decrease the ground surface elevation within the boundary of the Easement after approved final grade is established and meets Grantee's construction standards. Subsequent to the construction, the ground surface shall not be penetrated to a depth in excess of 12 inches by any tool or implement, without having the underground facilities located and taking all necessary precautions to protect them. If subsequent to construction, the grade is changed in such a way as to require relocation of the facilities, the cost shall be borne by Grantor.

Grantor hereby agrees that these covenants are made for the real property described herein which is the subject of this Easement. Grantor hereby warrants and represents, and acknowledges Grantee's reliance upon said warranty and representation, that Grantor has good and sufficient title to the real property in order to grant said Easement.

The Grantee shall remove or relocate its facilities as and when required by the City to accommodate improvements within the Premises for the public benefit; said removal or relocation shall be made at the sole cost and expense of the Grantee.

Grantor

This instrument was acknowledged before me the undersigned notary public, on \_\_\_\_\_  
[date]

IN WITNESS WHEREOF I hereunto set my hand and official seal.

\_\_\_\_\_  
Notary Public

R/W# 105E/15-001  
AREA: KINGMAN  
REQUESTOR: D.S.

UNS Electric, Inc.  
Utility Easement Agreement  
EXHIBIT A

An easement being a portion of the West ½ of Section 9, Township 21 North, Range 16 West of the Gila and Salt River Meridian, Mohave County, Arizona being more particularly described as follows:

Beginning at the Southwest corner of said Section 9;

Thence along the west boundary of said Section 9 North 00 Degrees 07 Minutes 30 Seconds East (Basis of Bearings: Grid North, NAD83, Arizona State Plane Coordinate System, West Zone, 0203) 1925.58 feet to the Southwest corner of the UNS Electric Inc. "Eastern Substation" Parcel described as #13 in the "SPECIAL WARRANTY DEED" recorded in Book 4677 Pages 10 thru 31 on September 12, 2003 at Fee No. 2003078107, from which the ¼ corner of Sections 8 and 9, a General Land Office brass cap (1911) Bears: North 00 Degrees 07 Minutes 30 Seconds East 722.61 feet;

Thence along the South line of said Parcel South 89 Degrees 50 Minutes 09 Seconds East 12.74 feet to a point in the westerly boundary of the Electric Power Transmission Line Easement recorded in Book 138 of Dockets Pages 16 thru 18 on February 3, 1969;

Thence along said westerly boundary South 14 Degrees 43 Minutes 26 Seconds East 253.72 feet;

Thence South 76 Degrees 50 Minutes 32 Seconds West 59.34 feet;

Thence South 00 Degrees 07 Minutes 30 Seconds West 985.50 feet;

Thence South 89 Degrees 52 Minutes 30 Seconds East 35.00 feet;

Thence South 00 Degrees 07 Minutes 30 Seconds West 15.00 feet;

Thence North 89 Degrees 52 Minutes 30 Seconds West 35.00 feet;

Thence South 00 Degrees 07 Minutes 30 Seconds West 435.29 feet;

Thence South 87 Degrees 39 Minutes 47 Seconds East 35.29 feet;

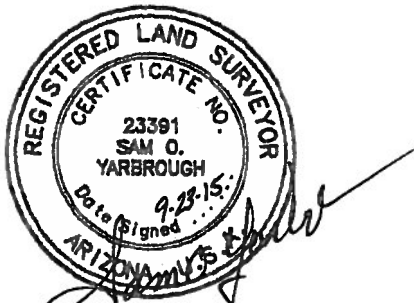
Thence South 02 Degrees 20 Minutes 13 Seconds West 15.00 feet;

Thence North 87 Degrees 39 Minutes 47 Seconds West 34.71 feet;

Thence South 00 Degrees 07 Minutes 30 Seconds West 215.90 feet to a point in the south boundary of Section 9 aforementioned;

Thence along said south boundary North 89 Degrees 51 Minutes 12 Seconds West 20.00 feet to the Point of Beginning.

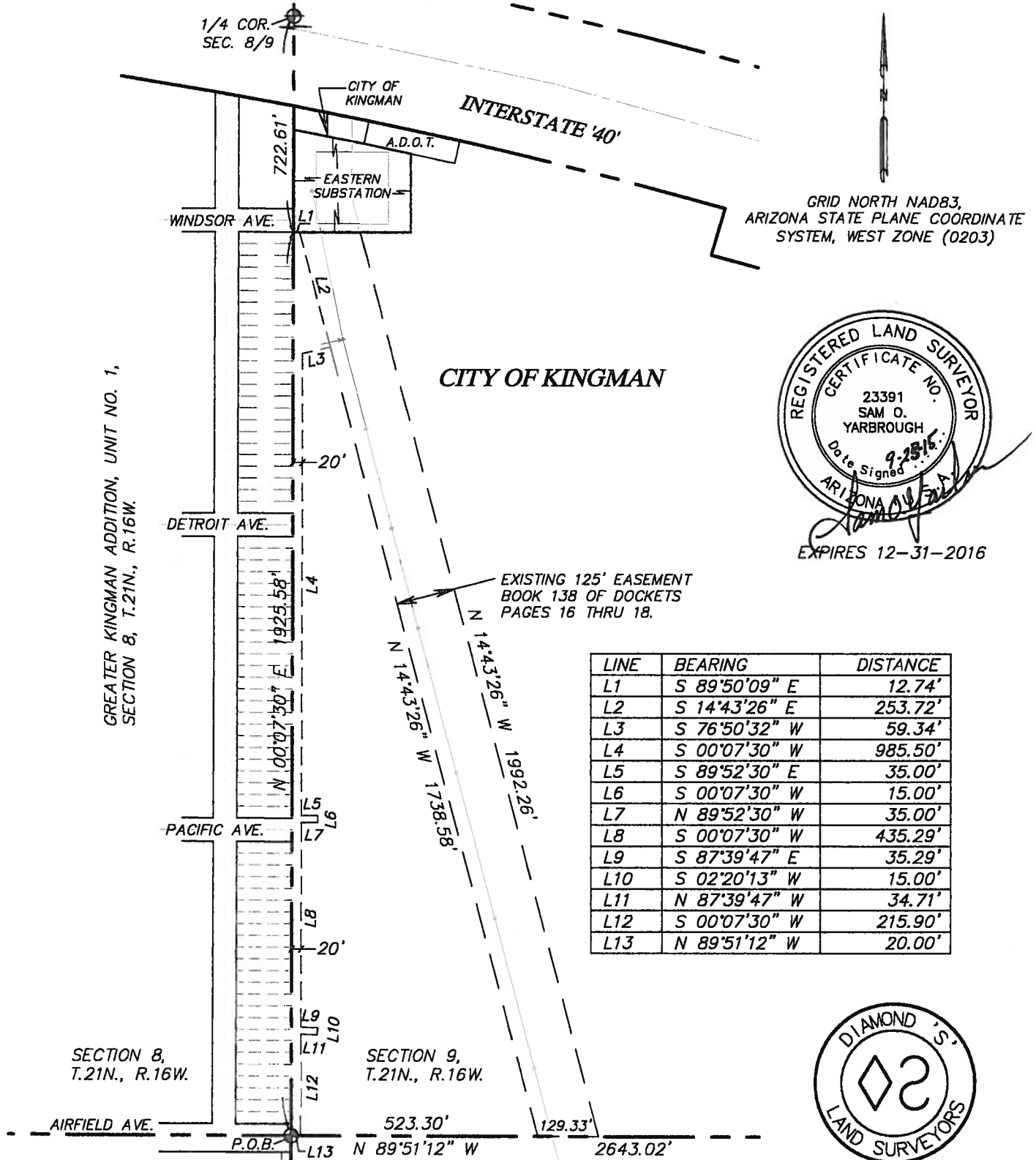
The parcel herein described encumbers an area of 1.06 Acres More or Less.



EXPIRES 12-31-2016

R/W# 105E/15-001  
AREA: KINGMAN  
REQUESTOR: D.S.

**EXHIBIT B**  
**UNS ELECTRIC INC., UTILITY EASEMENT AGREEMENT**  
**A PORTION OF SECTION 9, T.21N, R.16W., G.& S.R.M., MOHAVE COUNTY, ARIZONA**  
**SCALE 1" = 300'**



AREA ENCUMBERED IS 1.06 ACRES M/L.

**PREPARED FOR:**

UNISOURCE ENERGY SERVICES  
2498 AIRWAY AVENUE  
P.O. BOX 3099  
KINGMAN, AZ 86402

**PREPARED BY:**

DIAMOND 'S' LAND SURVEYORS  
P.O. BOX 6134  
2090 SUNDOWN RD.  
KINGMAN, AZ 86402  
928-757-1013



**Legend**

- Incorporated Cities (greater than 10,000 population)
- Mohave County Boundary
- Surrounding Counties
- ADOT Mileposts
- COUNTY Mileposts
- Highways
- Main Arterials
- Collectors
- Local
- Railroad
- Tax Parcel
- Township/Range
- Section

**Surface Management**

- AZ Game and Fish
- Bureau of Land Management
- Bureau of Reclamation
- City or County Parks
- US Forest Service
- Indian Reservation
- Military Reservation
- National Parks
- Other
- Private
- State Parks
- State Trust
- National Wildlife Refuge
- Fire Hydrants

1: 11,221

**Notes:**

0 935.0 1,870.1 Feet

(approximate scale)

Map Created: 10/9/2015

© 2012 Mohave County Information Technology

This map is a user generated static output from the Mohave County Interactive Map Viewer and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION, AS A LEGAL DOCUMENT, FOR PROPERTY DESCRIPTIONS, OR DETERMINATION OF LEGAL TITLE, AND SHOULD NEVER BE SUBSTITUTED FOR SURVEY OR DEED INFORMATION. The user agrees to comply with the Limitation of Use, and Assumption of Risk as stated in the full disclaimer at <http://gis.mohavecounty.us>





## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Development Services Department

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Proposed Resolution 4977 approving the release of a portion of the cash escrow assurance for Sunrise Business Park, Tract 6037

---

### **SUMMARY:**

The final plat, improvement plans, and surety for Sunrise Business Park, Tract 6037 was approved under Resolution No. 4964 on July 21, 2015. This subdivision is located along the north side of Detroit Avenue, east of Western Avenue and consists of five commercial lots on 10.74 acres. The final plat and surety in the form of a cash escrow assurance agreement in the amount of \$449,437.30 held by Pioneer Title Agency, Inc., was recorded on July 29, 2015.

Mohave Engineering Associates, Inc., project engineer, on behalf of the property owner, Lingenfelter Family Trust, has requested the approval of the release of a portion of the cash escrow assurance. The request is to release \$50,000.00 for the completion of rock excavation during grading based on the approved Engineer's Opinion of Probable Cost.

The City Engineer and Public Works inspectors have inspected the site and determined that the completed grading is in compliance with the terms of the final plat and requirements of the City of Kingman Subdivision Ordinance.

### **FISCAL IMPACT:**

None expected.

### **STAFF RECOMMENDATION:**

Approve Resolution No. 4977.

### **ATTACHMENTS:**

Description

Resolution No. 4977

Engineer's Request and Opinion of Cost

### **REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Muhle, Sydney	Approved	10/15/2015 - 6:33 PM

## **CITY OF KINGMAN RESOLUTION NO. 4977**

### **A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA; RELEASING A PORTION OF THE CASH ESCROW ASSURANCE AGREEMENT FOR SUNRISE BUSINESS PARK, TRACT 6037 AND PRESCRIBING CONDITIONS**

**WHEREAS**, the final plat, improvement plans, and a cash escrow assurance agreement for Sunrise Business Park, Tract 6037 was approved by the City of Kingman Common Council under Resolution No. 4964 on July 21, 2015 and

**WHEREAS**, the final subdivision plat for Sunrise Business Park, Tract 6037 was recorded on July 29, 2015 at Fee No. 2015033788, and

**WHEREAS**, a financial surety for Sunrise Business Park, Tract 6037 in the form of a cash escrow assurance agreement in the amount of \$449,437.30 held by Pioneer Title Agency, Inc., was recorded on July 29, 2015 at Fee No. 2015033790, and

**WHEREAS**, Mohave Engineering Associates, Inc., a licensed civil engineering firm in the State of Arizona, has requested on behalf of the property owner, Lingenfelter Family Trust dated 1/31/1992, the release of \$50,000.00 from the cash escrow agreement for the completion of rock excavation during grading based on the approved Engineer's Opinion of Probable Cost, and

**WHEREAS**, the completed grading has been inspected by the City Engineer and Public Works Inspectors and were found to be in compliance with the terms of the final plat and the requirements of the City of Kingman Subdivision Ordinance.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the City of Kingman, Arizona: That an amount equal to \$50,000.00 shall be permitted to be released from the cash escrow assurance agreement for Sunrise Business Park, Tract 6037 for the completion of rock excavation during grading.

**PASSED AND ADOPTED** by the Honorable Mayor and Common Council of the City of Kingman, Arizona this 20<sup>th</sup> day of October, 2015.

**ATTEST:**

**APPROVED:**

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Sydney Muhle, City Clerk

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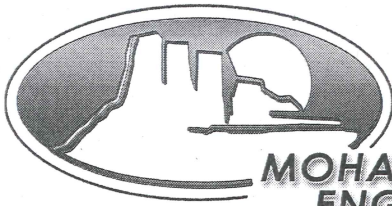
Richard Anderson, Mayor

**APPROVED AS TO FORM:**

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Carl Cooper, City Attorney





**MOHAVE  
ENGINEERING  
ASSOCIATES, INC.**

CIVIL ENGINEERING • LAND SURVEYING

---

September 28, 2015

Rich Ruggles, Principal Planner  
City of Kingman Development services  
310 N 4<sup>th</sup> street  
Kingman, AZ 86401

Re: Sunrise Business Park Tract 6037, MEAI Project # 09-123

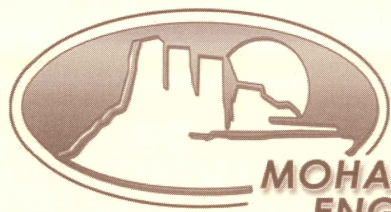
Dear Mr. Ruggles,

On behalf of the client we would like to apply for an assurance release for Rock excavation during grading in the amount of \$50,000 listed under Grading and street improvements in the approved Engineers Opinion of probable Cost dated 07-21-2015. This approved estimate is also included along with this letter.

Please do not hesitate to contact Mohave Engineering Associates, Inc. if you have any questions or need additional information.

Respectfully,

Jaimini Upadhyaya  
Encl.  
cc: file



# MOHAVE ENGINEERING ASSOCIATES, INC.

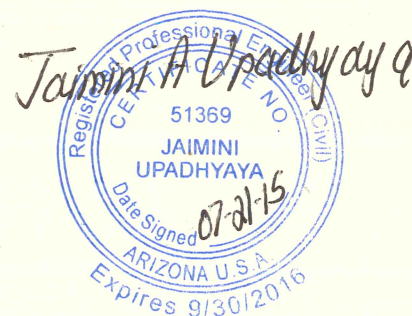
CIVIL ENGINEERING • LAND SURVEYING

## Engineer's Opinion of Probable Cost

Sunrise Business Park Improvements  
07/21/15

Civil Improvements	Quantity	Unit	Unit Price	Amount
<b>Grading and street improvements</b>				
1. 3" AC/6" ABC/Subgrade	3393	S.Y.	\$21.00	\$71,253.00
2. 4" Sidewalk (5 foot wide)	8560	S.F.	\$4.50	\$38,520.00
3. Type "A" curb and Gutter	1815	L.F.	\$14.00	\$25,410.00
4. Mass Grading (max of cut and fill)	2850	C.Y.	\$4.00	\$11,400.00
5. 8" PVC water line	452	L.F.	\$26.00	\$11,752.00
6. 8" PVC sewer line	454	L.F.	\$24.00	\$10,896.00
7. Sewer Manhole	3	E.A.	\$3,000.00	\$9,000.00
8. Fire Hydrant	2	E.A.	\$2,500.00	\$5,000.00
9. New PRV	1	E.A.	\$8,000.00	\$8,000.00
10 New sidewalk ramps (LaSalle/Detroit) (Western/Sunrise), (Sunrise/LaSalle)	5	E.A.	\$3,000.00	\$15,000.00
11 Single Water services	5	E.A.	\$600.00	\$3,000.00
12 Sewer services	5	E.A.	\$700.00	\$3,500.00
13 New Driveways on MCC	2	E.A.	\$3,000.00	\$6,000.00
14 8" DIP water line	122	L.F.	\$32.00	\$3,904.00
15.8" DIP sewer line	20	L.F.	\$30.00	\$600.00
16-New valley gutter on Detroit/LaSalle	60	S.F.	\$4.00	\$240.00
17 Traffic signs (onsite and offsite)	21	E.A.	\$250.00	\$5,250.00
18 Stop bars	3	E.A.	\$100.00	\$300.00
19 Catch basin and inlet	4	E.A.	\$3,500.00	\$14,000.00
20 New 18" storm drain pipe	303	L.F.	\$32.00	\$9,696.00
21 Rock excavation during grading	1	L.S.	L.S.	\$50,000.00
22 New driveways for 5 lots	9	E.A.	\$3,000.00	\$27,000.00
<b>Total Improvements</b>				<b>\$329,721.00</b>
<b>Utility Conduit</b>				
Electrial line extension	5	E.A.	1500	\$7,500.00
Gas line Extension	5	E.A.	1000	\$5,000.00
Telephone line	5	E.A.	700	\$3,500.00
<b>Total Utilities</b>				<b>\$16,000.00</b>
<b>Total Improvements</b>				<b>\$345,721.00</b>
<b>Total Improvements @ 130%</b>				<b>\$449,437.30</b>

THIS COST ESTIMATE IS BASED UPON THE BEST INFORMATION AVAILABLE.  
ACTUAL CONSTRUCTION COST WILL BE AS BID BY THE CONTRACTORS FOR THIS PROJECT. UTILITY SERVICES WILL HAVE TO BE INDIVIDUALLY PRICED BY THE UTILITY COMPANY.  
ACTUAL UNIT PRICES WILL BE AS BID BY CONTRACTOR. MEAI HAS MADE A REASONABLE EFFORT TO DETERMINE UNIT PRICES BUT CANNOT GUARANTEE THE CONTRACTORS TODAY'S COST TO INSTALL. DO NOT USE FOR BUDGETARY PURPOSE.





## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Rob Owen, Public Works

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Reclaimed Water User Agreement

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### **SUMMARY:**

The Lingenfelter Group would like to renew their agreement with the City of Kingman to purchase A+ reclaimed water from the Hilltop Treatment Plant. The water would be used for dust control during the upcoming SNORE race event on October 23rd through 25th. The race will be held on Lingenfelter's property adjacent to the plant. The extension would just run through the end of this month.

There are some operational and regulatory obstacles to meeting this tight timeline, but staff wanted to have the agreement in place in case everything could be addressed in time for the event.

### **FISCAL IMPACT:**

Nominal revenue from the sale of reclaimed water.

### **STAFF RECOMMENDATION:**

Staff recommends approval of the Reclaimed Water User Agreement.

### **ATTACHMENTS:**

Description

Reclaim request

Reclaim Agr

### **REVIEWERS:**

Department	Reviewer	Action	Date
Public Works	Owen, Rob	Approved	10/13/2015 - 6:07 PM
City Attorney	Cooper, Carl	Approved	10/13/2015 - 6:44 PM
City Manager	Dougherty, John	Approved	10/14/2015 - 5:25 PM

## Rob Owen

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**From:** John Kirby <jkirby@creativecare.cc>  
**Sent:** Monday, October 12, 2015 5:00 PM  
**To:** Rob Owen; Debbie Burgos <debbieb6161@yahoo.com> (debbieb6161@yahoo.com); 'fjling@citlink.net'  
**Subject:** A-Plus water usage

Rob,

In anticipation of the upcoming SNORE race to be held over the October 23<sup>rd</sup> – 25<sup>th</sup> weekend we would like to explore the possibility of renewing our agreement with the City of Kingman to obtain and use the Reclaimed A-Plus water being produced at the city's hilltop treatment plant. The agreement only needs to be extended through the month of October as we only need the water for the October 24<sup>th</sup> race.

Please let me know if you have any questions or concerns.

**John Kirby**  
*Business Development,*  
The Gardens Rehab & Care Center

[jkirby@creativecare.cc](mailto:jkirby@creativecare.cc)  
[www.gardensrehab.com](http://www.gardensrehab.com)  
[928] 718-5422 Direct Phone  
[928] 718-5423 Direct Fax  
[928] 718-4852 Main Phone  
[928] 718-4856 Main Fax

  
**The Gardens**  
Rehab & Care Center  
Providing Quality Living by People Who Care

NOTICE: In accordance with the (HIPAA) Health Insurance Portability and Accountability Act and the (HITECH) Health Information Technology for Economic and Clinical Health Act, this email and any document attached hereto may contain confidential Protected Health Information. This email is intended solely for the named recipient(s). It is the property of the Creative Care and shall not be used, disclosed or reproduced without the express written consent of Creative Care. If you are not the intended recipient, nor the employee or agent responsible for delivering this message in confidence to the intended recipient(s), you are hereby notified that you have received this transmittal in error, and any review, dissemination, distribution or copying of this transmittal or its attachments is strictly prohibited. If you have received this transmittal and/or attachments in error, please notify us immediately by reply e-mail or telephone and then delete this message, including any attachments. Our mailing address is **1099 Sunrise Ave Kingman, AZ USA**.

When Recorded Return to:

City of Kingman Clerk  
310 N. Fourth Street  
Kingman, AZ 86401

## **CITY OF KINGMAN CLASS A+ RECLAIMED WATER USER AGREEMENT**

This Agreement is made this \_\_\_\_ day of \_\_\_\_\_, 2015, by and between LINGENFELTER INVESTMENTS LIMITED PARTNERSHIP, hereinafter referred to as "User," "Buyer," or "Buyer/User" and the CITY OF KINGMAN, an Arizona municipal corporation, hereinafter referred to as "City".

WHEREAS, the Arizona Department of Environmental Quality (ADEQ) issued Permit No. P106051 ("Permit") for the Hilltop Wastewater Treatment Facility (WWTF) allowing the City to produce A+ quality reclaimed water, and allowing the reclaimed water from this facility to be distributed and utilized for any applicable Class A+ use as permitted by a reuse permit in accordance with Arizona Administrative Code (AAC) Title 18, Chapter 11, Articles 3 and 4.

WHEREAS, User intends to utilize reclaimed water and has read and understands the applicable state, county and local statutes, standards, rules, regulations, and guidelines associated with the use of reclaimed water.

NOW THEREFORE, for and in consideration of the mutual covenants set forth herein, the City hereby agrees to sell and User hereby agrees to purchase reclaimed water under the following terms and conditions:

**1. Responsible Party and Authorized Signature:** The responsible party is an individual, employee, officer, managing body, trust, firm, joint stock company, consortium, public or private corporation, including a government corporation, partnership, association, state, a political subdivision of this state, or commission or the United States Government or a federal facility, interstate body or other entity. Only authorized representatives for the responsible party can sign this document.

Responsible Party Name: Lingenfelter Investments Limited Partnership  
Representative Name: Fred B. Lingenfelter  
Responsible Party Address: 1080 Riata Valley Road  
Kingman, AZ 86409  
Telephone Number: (928) 692-4262  
Fax Number: (928) 681-4333

**2. Location of Use:** The User proposes to use reclaimed water in areas of Sections 3, 10, 15, and 22 T22N, R16W at the following specific properties:

Assessor's Parcel Numbers 310-27-017, 310-28-020, 310-28-021, 310-30-007, 310-30-010, and 310-15-017

**3. Volume of Reclaimed Water:** The User shall be entitled to receive up to 300,000 gallons of reclaimed water per day. The City shall endeavor to meet this demand but in no way shall be held liable for failure to do so.

**4. Term of Agreement:** The Term of this Agreement shall be eleven days from the Effective Date written above. The Agreement may be renewed for one year increments by written Amendments signed by both parties.

**5. Metering:** All reclaimed water shall be metered by a suitable meter approved by the Wastewater Superintendent.

**6. Prevailing Rate:** Buyer/User will pay for reclaimed water delivered under this Agreement according to the prevailing rate and fee schedule established by the City Council in Article VI of the Kingman Utility Regulations. The Buyer/User shall abide by all terms of the Utility Regulations that apply to reclaimed water service and fees.

The prevailing rate at the time of this Agreement is \$ 0.643 per thousand gallons of reclaimed water used plus base fee. The City may, from time to time, adjust this rate upon City Council review and adoption of a new rate structure. The Buyer will pay for the actual amount of reclaimed water used and shall be billed on a monthly basis by the City.

**7. Costs of Buyer/User:** The City's reclaimed water is available at the outlet of the tertiary treatment at the Hilltop Facility. The Buyer/User is responsible for safe use of the water from the outlet connection of the tertiary facility and beyond including all requirements by state, federal, and local laws, regulations, and standards. Buyer/User is solely responsible for any private delivery system costs, including the initial construction of any storage facilities, piping, valving, pumping or trucking needed for the Buyer/User's use of reclaimed water and for the construction, maintenance or operations of the private reclaimed water delivery system on Buyer/User's property.

The Buyer/User's method of connection to the tertiary outlet must be approved by the Wastewater Superintendent. Unless otherwise approved by the Wastewater Superintendent, the City will only distribute Class A+ reclaimed water during normal plant operations which are typically Monday through Friday from 7:00 AM to 3:30 PM.

**8. Reclaimed Water Delivery Schedule:** Upon request of the Wastewater Superintendent, the User shall submit a written schedule to the City estimating their reclaimed water requirements by month and the date the reclaimed water deliveries are requested to commence. The schedule should show the User's requested reclaimed water requirements for each month.

The User shall promptly notify the City of any revisions to the user's monthly delivery schedule. This delivery schedule may be adjusted by the City or at the request of the User. However, nothing herein shall obligate the City to deliver reclaimed water in uniformly equal daily or monthly quantities or to increase the reclaimed water to be delivered.

**9. Potential Disruption of Service:**

a. Buyer/User acknowledges and accepts the fact that the City may be required to disrupt reclaimed water service to Buyer/User due to emergency conditions, peak demands, and/or planned system maintenance.

b. Buyer/User shall be responsible for any damage that may be caused to Buyer/User owned facilities by such disruptions, and Buyer/User releases City from all liability and claims for such damage.

c. When there is an unforeseen emergency relating to the City's reclaimed water delivery system, the City may terminate deliveries of reclaimed water to Buyer/User without notice.

d. When notice of an emergency is given, Buyer/User agrees to reduce or cease usage of reclaimed water service upon the City's request. In order to accommodate planned maintenance of its reclaimed water system, the City shall provide Buyer/User with as much notice practical for the need to cease reclaimed water usage altogether, or significantly reduce the volume of reclaimed water used. Upon being provided such notice, Buyer/User will alter the allotted reclaimed water usage according to the City's request.

**10. Shortage of Reclaimed Water:** In the event that City determines in City's sole discretion that there is insufficient reclaimed water available to meet the demand of all entities using City reclaimed water, a reduction in reclaimed water deliveries to User may be made by the City.

**11. Routine Maintenance:** The User shall periodically check and maintain the valves, pumps, controllers, sprinklers, etc. of his reclaimed water system and maintain a written record of the maintenance. The maintenance record shall be kept at the User's office for at least three (3) years and be available for inspection by the City during normal business hours.

**12. Inspection:** User acknowledges and agrees that the City, State, County or other agency with jurisdiction may inspect the premises being served reclaimed water at reasonable times. User specifically acknowledges that it has the responsibility to inform, notify, and/or request inspection and approvals from various agencies, including the City, Mohave County, and ADEQ for certain activities relating to the construction, maintenance, and operation of its private reclaimed water system, including, but not necessarily limited to, materials, construction, facility testing, violations, signing requirements and emergency situations.

**13. Compliance with Regulations:** No reclaimed water will be delivered pursuant to this Agreement unless User has a valid reuse permit (User's Permit) issued by ADEQ in accordance with ACC Title 18, Chapter 9, Articles 6 and 7 (R18-9-6 and R18-9-7). ADEQ reuse permits are valid for five (5) years pursuant to R18-9-709(A)(2) and must be renewed for the delivery of reclaimed water to continue. Buyer/User agrees to abide by all state, federal, and local laws, regulations, and standards that may apply to Buyer/User's use of reclaimed water during the term of this Agreement. Such laws, regulations, and standards may include, but are not limited to:

- a. Requirements and restrictions governing use of reclaimed water.
- b. Application methods that reasonably preclude certain kinds of human contact with reclaimed water.
- c. Control of access to the reclaimed water, the Buyers/User's reclaimed water delivery system, and the area of storage and use.
- d. Requirements to prevent reclaimed water from standing on open access areas during normal periods of use.

- e. Requirements to prevent reclaimed water from coming into contact with drinking fountains, water coolers, or eating areas.
- f. Requirements to identify certain components on the delivery system or to provide public notice that reclaimed water is used on Buyer/User's premises.
- g. Appropriate or specific signage.

Buyer/User acknowledges that the above list of laws, regulations and standards is provided by the City as an example only, and that Buyer/User is solely responsible for determining all applicable laws, regulations and standards.

The City may suspend reclaimed water deliveries if it discovers that the User is not in compliance with ADEQ and/or Mohave County regulations. The City will resume reclaimed water deliveries only after compliance is re-established.

**14. Reporting Requirements:** At the request of the City, Buyer/User shall provide reports to the City regarding the inspection and operations of the Buyer/User's reclaimed water system. The reports shall include:

- a. A current site map showing locations of reclaimed water use.
- b. Permits and Plans showing components and details of the reclaimed water system with appropriate approvals from the County or State.
- c. Certification that the water has not been given or sold to another party unless approved by the City prior to certification.

**15. Resale of Non-potable Water:** Unless otherwise approved in writing by the City, Buyer/User shall not resell or give reclaimed water to any other person or legal entity.

**16. Hose Bibs:** Buyer/User specifically agrees not to install hose bibs and/or remove existing hose bibs on any component of the private reclaimed water delivery system.

**17. Signs:** Upon the commencement of reclaimed water service, Buyer/User will be required to post an appropriate amount of signage to inform the public that reclaimed water is used on Buyer/User's premises. Buyer/User shall post such signs at all entrances to the premises where reclaimed water is used. Buyer/User is also responsible for posting other signage that may be required under the State of Arizona Administrative Code or that may be established in County Code. Buyer/User will be responsible for the maintenance and replacement of reclaimed water signage.

**18. Plans:** Buyer/User acknowledges that it has the responsibility to maintain a copy of the asbuilt plans of the onsite reclaimed water system at the premises on which reclaimed water is being used. These plans will show the locations of the property lines, all structures on the site, reclaimed water lines, turn-off valves and other appurtenances. For any changes to the reclaimed water system configuration, use, or operations of the User's reclaimed water system, the User shall provide documentation and shall obtain all required approvals prior to implementation of such changes.

**19. Transfer:** Buyer/User agrees that all leases of the premises subject to this Agreement shall be in writing, and must be made expressly subject to this Agreement. Should Buyer/User sell or otherwise transfer ownership or control of the premises described herein to a Third Party, the City of Kingman is not obligated to provide reclaimed water to any subsequent owner or user of the premises unless such sale or disposal incorporates this Agreement by reference, and



makes any successors and assigns expressly subject to this Agreement, and the City agrees to provide reclaimed water under Paragraph 20. If such a third-party disposition does not include such provisions, Buyer/User will close its account with the City of Kingman and pay any fees or charges incurred by Buyer/User before the disposition of Buyer/User's property is effective.

**20. Termination of Service:** The City reserves the right to terminate reclaimed water use upon change of ownership, business type, or any significant changes to the reclaimed water system that may have an adverse affect of the City of Kingman reclaimed water system. Buyer/User acknowledges that reclaimed water service also may be discontinued for failure to comply with the terms and conditions of this agreement.

**21. Indemnification:** User agrees to release, acquit, and forever discharge, the City, its officers, agents and employees of and from any and all claims, actions, causes of action, demands, obligations, liens, rights, damages, costs, future damages, punitive damages, expenses and/or compensation arising out of or connected with reclaimed water or its use after the City delivers reclaimed water to the User at the point of delivery. User further agrees to indemnify and hold the City harmless from breach of its obligation to deliver reclaimed water or a City water system modification of its outlet at the tertiary treatment or a change in pressures or schedule of reclaimed water delivery.

**22. Excusable Non-Performance:** In the event of a natural catastrophe, war, civil insurrection, accidents, acts of governmental or judicial bodies other than the City, or any unexpected occurrences beyond the control of either party which shall materially interfere with the ability of the City to deliver reclaimed water, or the ability of User to accept, transmit or distribute reclaimed water, the failure of either party to perform its obligation under this Agreement shall be excused so long as the condition interfering with performance continues. The maintenance and operation of the City's sewage system and its water reclamation facilities shall be solely within the discretion of the City; and in the event the City discontinues the reclamation plant operation, all obligations of either party to perform shall cease without prejudice to any claimed or asserted rights of either.

**23. Attorneys' Fees:** Should litigation be necessary to enforce any term or provision of this Agreement, or to collect any damages claimed or portion of the amount payable under this Agreement, then all reasonable litigation expenses, witness fees, court costs, and attorneys' fees shall be paid to the prevailing party. Nothing herein shall preclude the parties from resolving disputes through non-binding arbitration or any other alternative dispute resolution agreed to by the parties hereto.

**24. User Representations:** User represents and warrants that: (a) it is a legal Partnership authorized and existing under the laws of the State of Arizona and (b) its execution, delivery and performance of this Agreement are duly authorized.

**25. City Representations:** City represents and warrants that: (a) its execution, delivery and performance of this Agreement has been duly authorized; (b) no further action needs to be taken in connection with such execution and delivery; and (c) subject to a court's equitable powers, this Agreement is valid and enforceable in accordance with its terms.

**26. Notices:** Unless otherwise specifically provided herein, all notices, demands or other communication given hereunder shall be in writing and shall be deemed to have been duly

delivered upon personal delivery or as of the second business day after mailing by United States mail, postage prepaid, by certified mail, return receipt requested, addressed as follows:

To: Public Works Director  
City of Kingman  
310 N. Fourth Street  
Kingman, AZ 86401

To: Lingenfelter Investments Ltd  
Fred B. Lingenfelter  
1080 Riata Valley Road  
Kingman, AZ 86409

Notice of address may be changed by either party by giving notice to the other party in writing of a change of address. Such change shall be deemed to have been effectively noticed five (5) days after being mailed by the party changing address.

**27. Amendments:** This Agreement may be amended only by a written agreement fully executed by the parties hereto.

**28. Governing Law:** This Agreement shall be governed by and construed under the laws of the State of Arizona. This Agreement shall be deemed made and entered into in Mohave County.

**29. Waiver:** No waiver by either party of a breach of any of the terms, covenants of conditions of this Agreement shall be construed or held to be a waiver of any succeeding or preceding breach of the same or any other term, covenant or condition herein contained.

**30. Severability:** In the event that any phrase, clause, sentence, paragraph, section, article or other portion of this Agreement shall become illegal, null or void or against public policy, for any reason, or shall be held by any court of competent jurisdiction to be illegal, null or void or against any public policy, the remaining portions of this Agreement shall not be affected thereby and shall remain in force and effect to the fullest extent permissible by law, except if the remaining portions of the Agreement do not provide one or both of the parties with the essential consideration for entering into this Agreement.

**31. Entire Agreement:** Unless expressly stated otherwise, this Agreement constitutes the complete and entire Agreement between the parties.

## SIGNATURES

DATED this \_\_\_\_ day of \_\_\_\_\_, 2015.

ATTEST:

CITY OF KINGMAN  
A Municipal Corporation

\_\_\_\_\_  
Sydney Muhle, City Clerk

By \_\_\_\_\_  
Richard Anderson, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Carl Cooper, City Attorney

RECLAIMED WATER USER

I the undersigned hereby agree to the terms and conditions set forth in this Agreement and understand that it is my responsibility to comply with the laws of the City of Kingman, Mohave County and the State of Arizona regarding the use of reclaimed water.

DATED: \_\_\_\_\_

BY: \_\_\_\_\_

PRINTED NAME: Fred B. Lingenfelter

TITLE: \_\_\_\_\_

The signature of the above Reclaimed Water User is hereby acknowledged by me this \_\_\_\_ day of \_\_\_\_\_, 2015; signed by Fred B. Lingenfelter of Lingenfelter Investments Limited Partnership.

My Commission Expires:

By: \_\_\_\_\_

Notary Public



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Development Services Department

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Consideration of Resolution 4971-Revised approving a street improvement deferral for Gates Avenue adjacent to Manzanita Baptist Church

---

### **SUMMARY:**

Manzanita Baptist Church owns multiple lots along the north side of Gates Avenue west of Fairgrounds Boulevard. A building permit to remodel a gymnasium on the church property has been issued. The estimated construction cost of the permit is \$150,000. Gates Avenue adjacent to the location of the gymnasium is presently improved with some asphalt paving and no curb, gutter or sidewalk. Because the proposed construction will exceed \$20,000.00, the Streets and Sidewalks Development Rules and Regulations require that the adjacent street improvements be completed on Gates Avenue.

The scope of the required improvements would be a section, 187.5-feet in length, with curb, gutter, a four-foot wide sidewalk, two driveways, additional paving, and engineering and staking. The City Engineering Department's opinion of probable cost of these improvements is \$15,242.00. Manzanita Baptist Church sent a letter requesting a non-cash payment street improvement deferral.

The Traffic Safety Committee (TSC) reviewed the deferral request on August 20, 2015. The TSC recommended that the applicant either complete the required improvements or make a payment in lieu of completing the improvements to the city rather than granting a non-payment deferral. The City Council reviewed this item on October 6, 2015 and directed that a non-cash payment street deferral be granted. Staff has prepared a revised resolution for Council approval.

### **FISCAL IMPACT:**

No immediate impact. Per the resolution, the City reserves the right to require the property owner to complete the street improvements in the future.

### **STAFF RECOMMENDATION:**

Approve Resolution No. 4971-Revised.

### **ATTACHMENTS:**

Description

Applicant Request

Resolution No. 4971-Revised

Site Map

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Muhle, Sydney	Approved	10/15/2015 - 6:32 PM



## Manzanita Baptist Church

Proclaiming the Living Christ; Providing a Living Hope;  
Producing Living Disciples

**Peter A. Ernst**  
*Senior Pastor/Teacher*

August 4, 2015

City of Kingman  
City Council  
310 N 4<sup>th</sup> Street  
Kingman Az 86401

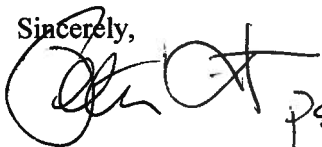
To City Council Members,

Our church is requesting a deferral to complete curb, gutter and sidewalk in front of the building to be remodeled. We are requesting the deferral until such time as the remaining properties on the street (Gates Avenue between Main Street and Fairgrounds) are developed.

Recently our congregation decided to update our restrooms and kitchen inside the gymnasium to make them complicate with City, ADA and the Health Department requirements. Only the interior of the gym is being remodeled at this time. We are updating the restrooms to be ADA compliant and updating the kitchen to compliant with the health department so that we can serve the needy on special occasions. We have enough funds to update the kitchen and restrooms and our meeting rooms at this time, which is the scope of work of this remodel project. We are not changing or developing anything outside the building, we are not adding concrete or roof areas and we will not be impacting drainage or water flow with this interior remodel. Currently there are no curbs, gutter or sidewalks upstream or downstream of the remodel site. Putting curb, gutter and sidewalks in place at this time will be hard to match up in the future as this would be an isolated sidewalk.

Unless improvements were done on the entire street it could cause drainage problems and could impede water flow upstream and downstream of the building.

Sincerely,



psa-16:11

Peter A. Ernst, President  
Senior Pastor

2040 Golden Gate Ave. Kingman, Arizona 86401  
1-928-753-2370 Fax: 1-928-753-3306  
E-mail: [tolson@manzanitabaptist.org](mailto:tolson@manzanitabaptist.org)  
[www.manzanitabaptist.org](http://www.manzanitabaptist.org)

CITY OF KINGMAN

AUG 06 2015

PLANNING & ZONING

## **CITY OF KINGMAN RESOLUTION NO. 4971-Revised**

### **A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA; DEFFERING STREET IMPROVEMENTS ON GATES AVENUE ADJACENT TO GOLDEN GATE ADDITION, UNIT 7, BLOCK 152, LOTS 26 THROUGH 33**

**WHEREAS**, Manzanita Baptist Church of Kingman has applied for and received a building permit to remodel a gymnasium on their property, described as Golden Gate Addition, Unit 7, Block 152, Lots 26-33, located on Gates Avenue west of Fairgrounds Boulevard; and

**WHEREAS**, the submitted building permit includes an estimated construction cost of the improvements as \$150,000.00; and

**WHEREAS**, Section 2-2 (d) of the City of Kingman Streets and Sidewalks Development Rules and Regulations requires that when a multiple-family, commercial, or industrial property is remodeled or redeveloped that requires a building permit and for which the improvement increases the area of the building or area of the developed portion of the property by 25% or more, or for which the improvement costs exceed \$20,000.00 in value, based on the City's valuation schedule used to compute building permit fees, adjacent street improvements are required; and

**WHEREAS**, the scope of the required street improvements would include the placement of curb, gutter, a four-foot wide sidewalk, two driveways, and match-up pavement width along the 187.5-foot property frontage where the gymnasium is located; and

**WHEREAS**, the City of Kingman Engineering Department opinion of probable cost for the required street improvements is \$15,242.00 for this portion of Gates Avenue; and

**WHEREAS**, a letter has been sent by the property owner requesting that the City Council grant a non-cash payment deferral of the required street improvements; and

**WHEREAS**, the Traffic Safety Committee reviewed the request to consider a deferral of street improvements at its August 20, 2015 meeting and unanimously recommended per Section 2-2(e) of the City of Kingman Streets and Sidewalks Development Rules and Regulations that the developer be required to complete the required street improvements or that the City Council could accept a cash payment in lieu of completing the required improvements rather than grant a non-payment street deferral, and



**WHEREAS**, the Kingman Common Council reviewed this item at their regular meeting on October 6, 2015 and directed that a street improvement deferral to be granted for the subject portion of Gates Avenue per the applicant's request.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the City of Kingman, Arizona that the installation of the required street improvements on a the portion of Gates Avenue adjacent to property described as Golden Gate Addition, Unit 7, Block 152, Lots 26-33 is hereby deferred subject to the terms and conditions herein:

**I. Deferment Runs with the Land; City's Lien Rights.** Owner agrees that this Deferment constitutes an encumbrance against the above-referenced property, and shall run with the land, against any and all successors, assigns and heirs of Owner, until the required street improvements are approved, completed and accepted by City, and the City shall record this Deferment with the Mohave County Recorder and that City shall have the right to lien the property for any costs it incurs as a result of Owner's material breach of any provision of this Deferment.

**II. Time for Proceeding with Improvements; Payment of Costs.** Deferment shall lapse and the Owner's obligations to construct the required street improvements shall arise upon written notice by the City, at its sole discretion. In its notice, City shall specify the applicable sections of the then existing City street and sidewalk standards, the general specifications contemplated and a proposed time for completion. Upon notice, Owner shall have fifteen (15) calendar days to respond in writing how it intends to proceed with the construction of the required street improvements. In its response, Owner shall notify City of its intention to: 1) independently contract for and proceed with construction, or 2) agree that City should contract for and proceed with the construction and bill Owner for Owner's proportionate cost.

**A.** If Owner elects to independently contract for and proceed with construction, Owner shall include in his/her response a proposed reasonable "time table" for application for permit to work within the public right-of-way, submitting of plans and specifications and completion of construction. Owner's proposed "time table" as well as all plans, specifications and completed construction are subject to City's approval. If Owner fails to proceed with and/or complete construction to the City's satisfaction within the approved time schedule, City may give written notice of its intention to complete the construction and bill Owner without benefit of a statement of estimated costs or the right to appeal estimated or actual costs.

**B.** If Owner's election is to allow City to contract and proceed with construction, City shall, upon Owner's written notice, proceed with estimating costs of construction and provide Owner with a statement of estimated costs. Owner shall have fifteen (15) calendar days from receipt of said statement to object to the estimated costs and request a hearing before the Mayor and Common Council. If Owner fails to object within the fifteen (15) calendar days, City may proceed with construction and bill Owner for actual costs, not to exceed estimated costs.

**III. City's Lien Rights.** City's right to lien subject property arises on the date this Deferment has lapsed and City has incurred all, or a portion, of the expense of constructing the required street improvements and: 1) Owner has failed to timely respond to City's notice that the Deferment has

lapsed and Owner's obligation to proceed with the required street improvements has arisen, or  
2) Owner has failed to proceed with or complete construction to the City's satisfaction and in a  
timely manner, or (3) Owner has failed to pay City's actual costs of construction within sixty (60)  
days after receiving City's bill.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona  
this 20<sup>th</sup> day of October, 2015.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
Sydney Muhle, City Clerk

\_\_\_\_\_  
Richard Anderson, Mayor

**APPROVED AS TO FORM:**

**AGREED TO BY:**

\_\_\_\_\_  
Carl Cooper, City Attorney

\_\_\_\_\_  
Peter A. Ernst, President/Senior Pastor  
Manzanita Baptist Church



Size of Entire Parcel

Street Improvement  
Limits



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Gary Jeppson, Development Services Director

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Entertainment District

---

### **SUMMARY:**

On August 4, 2015, the City Council discussed a proposal of the Downtown Merchants Association for the establishment of an Entertainment District. The City Council can adopt an Entertainment District by resolution in accordance with Arizona Revised Statutes 4-207. The establishment of an Entertainment District allows a license for an establishment to serve or sell beer, wine, or spirituous liquor to be issued for an within 300-feet of a church a public or private school with programs for kindergarten through grade twelve, that is within the Entertainment District. An Entertainment District shall not be great than one square mile and have a width of less than one-eighth mile. In a city with a population of less than 200,000, only one Entertainment District can be established.

### **FISCAL IMPACT:**

None

### **STAFF RECOMMENDATION:**

Adoption of Resolution #

### **ATTACHMENTS:**

Description

Resolution #4972

### **REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Jeppson, Gary	Approved	9/23/2015 - 1:35 PM
City Attorney	Cooper, Carl	Approved	9/23/2015 - 1:59 PM
City Manager	Dougherty, John	Approved	10/14/2015 - 5:21 PM



## **CITY OF KINGMAN RESOLUTION NO. 4972**

### **A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA ESTABLISHING AN ENTERTAINMENT DISTRICT PURSUANT TO ARIZONA REVISED STATUTES §4-207.C.4. AND DESIGNATING AN AREA AS THE ENTERTAINMENT DISTRICT.**

**WHEREAS**, the City of Kingman desires to promote and revitalize its downtown area;  
and

**WHEREAS**, establishments serving spirituous liquor, wine and/or beer is important for  
the viability of the historic downtown Kingman; and

**WHEREAS**, the Arizona Revised Statutes §4-207 prohibits the issuance of licensing of  
establishments that sell or serve spirituous liquor, wine and/or beer within three hundred  
horizontal feet of a church, public or school building with kindergarten programs or any  
of grades one through twelve or three hundred horizontal feet of a fenced recreational  
area adjacent to such school building; and

**WHEREAS**, the City of Kingman has a population less than 250,000; and

**WHEREAS**, Arizona Revised Statutes §4-207.C.4. allows a city or town that has a  
population less than 250,000 to have one Entertainment District; and

**WHEREAS**, the Arizona Revised District §4-207.D.S defines an Entertainment District  
as "...a specific contiguous area that is designated an entertainment district by a  
resolution adopted by the governing body of a city or town, that consists of no more  
than one square mile, that is no less than one-eighth in width and that contains a  
significant number of entertainment, artistic and cultural venues, including music halls,  
concert facilities, theaters, arenas, stadiums, museums, studios, galleries, restaurants,  
bars, and other related facilities.' and

**WHEREAS**, Arizona Revised Statutes §4-207.C.4. allows a city or town to establish an  
Entertainment District to approve an exemption from the distance restrictions prescribed  
in Arizona Revised Statutes §4-207 for a church or a public or private school that is  
located in an Entertainment District, on a case-by-case basis; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the City  
of Kingman, Arizona that an Entertainment District as defined in Arizona Revised  
Statutes §4-207.D.2 is hereby established as shown in Exhibit "A".

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona, this 20th day of October, 2015.

**ATTEST:**

**APPROVED:**

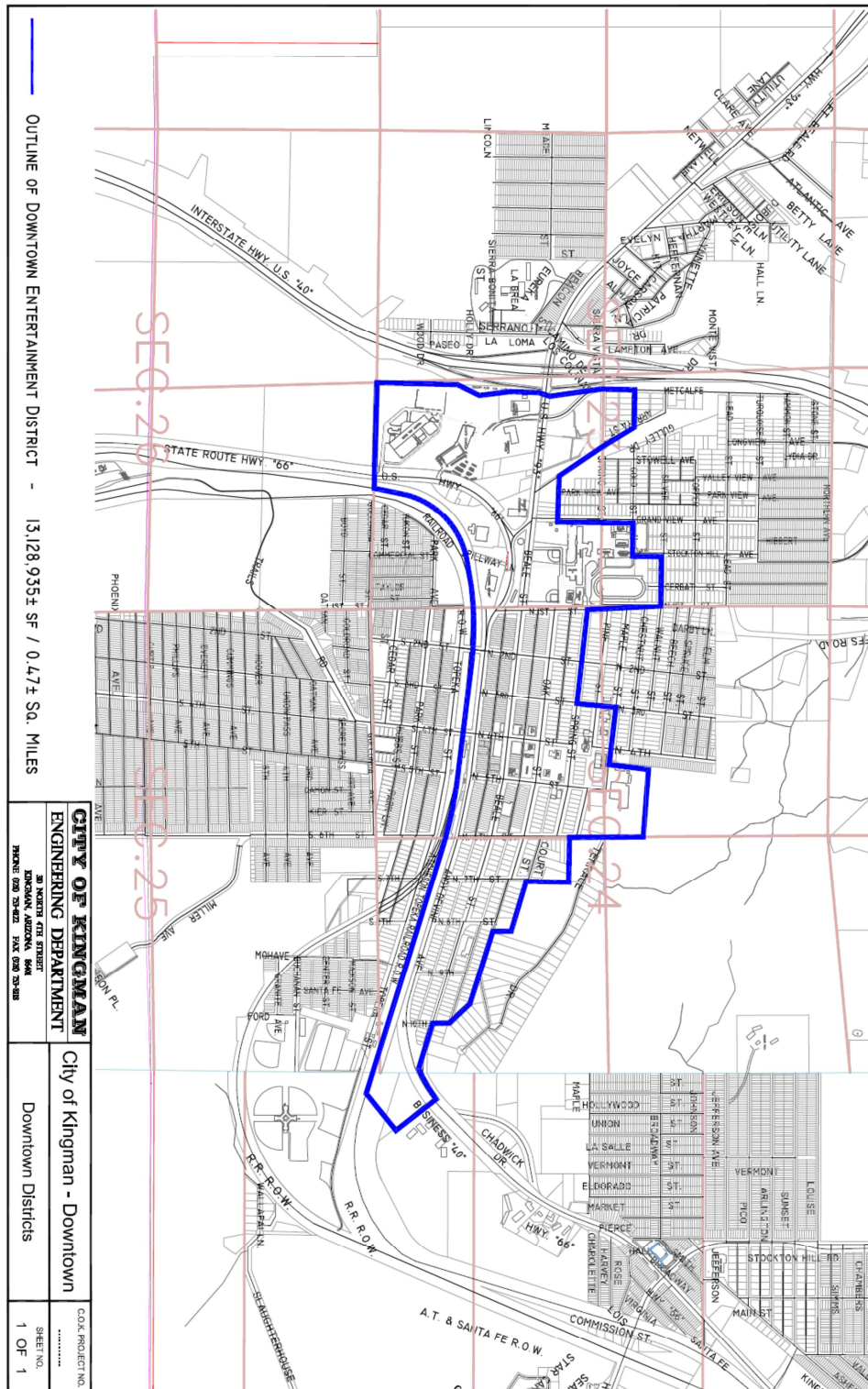
\_\_\_\_\_  
Sydney Muhle, Acting City Clerk

\_\_\_\_\_  
Richard Anderson, Mayor

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Carl Cooper, City Attorney

# EXHIBIT "A"





## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Engineering Services

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Request to Amend Encroachment Permit at 2011 Andy Devine Avenue, ENG15-043

---

### **SUMMARY:**

On July 7, the City Council approved a substantial encroachment permit for the Rutherford's 66 Diner at 2011 Andy Devine Avenue. The Diner is owned by Brent and Tammy Rutherford. The encroachment consists of a block wall patio which extends approximately three feet into the Andy Devine right of way. The encroachment permit includes a condition that the block wall meet the site triangle ordinance which allows for a maximum height of 36 inches.

On October 9, staff received a request to modify the encroachment permit to allow for a wall height up to 44 inches. The request also includes the addition of ornamental cars and decorative lighting on top of the wall, and benches between the wall and sidewalk. The concept is to bring a nostalgic Route 66 ambiance to the exterior of the restaurant.

The work is presently unfinished and a portion of the wall does exceed the 36 inch height limit. The owners are therefore interested in modifying the permit, so that when complete, the encroachment will meet all City requirements and conditions.

### **FISCAL IMPACT:**

### **STAFF RECOMMENDATION:**

Staff recommends modifying the existing encroachment permit to allow a new wall height of up to 44 inches and allowing the addition of ornamental cars, lighting and benches.

### **ATTACHMENTS:**

#### **Description**

Letter of October 9

Photo 1

Photo 2

Photo 3

Photo 4

Photo 5



Encroachment Permit

**REVIEWERS:**

Department	Reviewer	Action	Date
Engineering	Henry, Greg	Approved	10/9/2015 - 6:31 PM
City Attorney	Cooper, Carl	Approved	10/9/2015 - 6:42 PM
City Manager	Dougherty, John	Approved	10/14/2015 - 5:30 PM

To whom it may concern.

We (Rutherford's 66Diner) would like to amend the height restrictions on the block wall in front of Rutherford's 66 diner at 2011 Andy Devine

The wall has been built incorrectly by First Generation Builders the height at the south side will be 44" off the finished grade. The ornamental cars are 10" ten inches off the top of the wall, and the lights will be 56" fifty-six inches off the top of the wall. Please see attached pictures. We would like the height restrictions to accommodate these features. Thank you for your time and considerations.

928 377-1660 /  
Rutherford's 66 Diner

Tammy Garrett/Rutherford

A handwritten signature in cursive script that reads "Tammy Garrett/Rutherford".

CITY OF KINGMAN  
ENGINEERING  
OCT 09 2015  
REC'D \_\_\_\_\_





10 09 2015 13:39



10.09.2015 13:43







2011

RUTHERFORD'S  
ROUTE  
66  
FAMILY DIN

Lomelia

Lomelia  
GARDENS

WYOMING

**CITY OF KINGMAN**  
**SUBSTANTIAL ENCROACHMENT PERMIT**

This Substantial Encroachment Permit is made and issued this 31<sup>st</sup> day of July, 2015, to Brent and Tammy Rutherford, owners of the Rutherford 66 Diner, hereinafter called "PERMITTEE"

Permittee Information:

Owner:	Brent and Tammy Rutherford 1591 Las Colinas, Fort Mohave AZ, 86426	Phone: (928) 234-6555
Business:	Rutherford 66 Diner 2011 Andy Devine Avenue, Kingman, AZ 86401	Phone: (928) 377-1660

**PERMIT**

A PERMIT AND LICENSE is hereby issued to the above mentioned PERMITTEE for the purpose of entering upon and using a portion of the right of way of the City of Kingman at the following location: 2011 Andy Devine Avenue (Rutherford 66 Diner), aka Tax Parcel 311-18-079B, for the purpose of constructing a block fence which encroaches approximately three feet into the Andy Devine Avenue right of way. The Common Council has reviewed and agreed to the proposed encroachment at their meeting on July 7, 2015.

This Encroachment Permit is subject to the following terms and conditions:

1. ***The PERMITTEE shall provide and maintain General Liability insurance as outlined herein for the duration of the encroachment.***

**Insurance Requirements:**

***The PERMITTEE shall provide General Liability Limits of \$1,000,000 CSL per occurrence/\$2,000,000 aggregate. General Liability coverage shall include bodily injury, property damage, and \$1,000,000 Products/Completed Operations coverage limit.***

***The "CITY OF KINGMAN" shall be named as "ADDITIONAL INSURED" and Permittee's insurance policy shall be PRIMARY AND NON-CONTRIBUTORY.***

***Permittee shall include a copy of the certificate of insurance and INCLUDE A COPY OF THE ACTUAL "ADDITIONAL INSURED" and " PRIMARY AND NON-CONTRIBUTORY" POLICY ENDORSEMENT(S) that meets the above requirements. Endorsements must include the insurance policy number and "City of Kingman" must be listed on the schedule of who is insured.***

***The Certificate of Insurance description section must list the Encroachment Permit #ENG15-043.***

***Permittee must disclose any deductible or self insured retention greater than \$25,000 and such deductible/retention must be approved by City. Permittee is responsible for deductibles and retentions.***



***Policy(ies) must be underwritten by company licensed to do business in Arizona, currently rated A.M. Best A+ or higher.***

***Policy(ies) must be in place for duration of the Permit.***

***All liability policies must be on an occurrence basis form.***

***The City of Kingman shall be notified at least 30 days prior to cancellation or alteration of any insurance coverage. A 10-day notice of cancellation for non-payment of premium.***

***IMPORTANT NOTICE: Permittees are responsible to check their insurance policy to ensure coverage for all activities allowed within the scope of this Encroachment Permit.***

***The City reserves the right to require additional insurance coverage when an activity is determined by the City to be high risk.***

***If the PERMITTEE fails to provide, maintain or allows insurance to lapse, the Encroachment Permit shall become void.***

**2. Indemnification:**

***To the fullest extent permitted by law, the PERMITTEE shall indemnify, defend and hold harmless the City of Kingman, its agents, its officers and employees, from liabilities, damages, losses and costs, including reasonable attorney fees and court costs relating to or arising out of this encroachment permit.***

***In any and all claims against the indemnified parties by any employee of the PERMITTEE, any contractor or subcontractor, any supplier, any customer, anyone directly or indirectly employed by any of them or anyone for whose acts any of them may be liable, the indemnification obligation in this article on INDEMNIFICATION shall not be limited in any way by any limitation on the amount or type of damages, compensation, or benefits payable by or for the PERMITTEE, or any contractor or subcontractor, or any supplier, or any customer or other person under workmen's compensation acts, disability benefit acts, or other employee acts.***

- 3. *The City of Kingman shall retain the right to enter its right of way for the purpose of maintaining its right of way and any utilities therein without formal notice to the PERMITTEE. The City will provide reasonable advance notice for routine maintenance activities. The City shall have no obligation to repair or restore the Encroachment as a result of damage from the City's maintenance of its right of way and utilities. The PERMITTEE shall be responsible for repair and restoration of the encroachment as a result of any damage from leaks or operations of the City's utilities, and from any routine maintenance of the right of way.***
- 4. *The PERMITTEE hereby agrees to remove the encroachment at his own expense within 30 calendar days upon receipt of written notice from the City; and agrees to restore right of way to its original condition; and further agrees that if he does not remove the encroachment at his own expense and restore the right of way to a reasonable condition, that a lien will be placed on the property, as required by the Streets and Sidewalks Development rules and Regulations.***
- 5. *The block fence Encroachment shall extend no further than three (3) feet into the right of way, and no closer than two (2) feet to the existing water line.***
- 6. *The Encroachment shall at all times conform to the sight distance sight triangle requirements***

***specified in the City of Kingman Zoning Ordinance.***

- 7. If the PERMITTEE sells or leases the subject property, the PERMITTEE hereby agrees to provide information regarding the new owner or lessee, immediately to the City Engineer, or the encroachment permit shall become void.***
- 8. The permit shall become void if construction of the Encroachment has not commenced within one hundred eighty (180) calendar days from the issue date on Page 1 of this Permit.***
- 9. All work authorized by this Permit shall be done at the sole cost and expense of the PERMITTEE, and shall be done at such time and in such manner as to be least inconvenient to the traveling public, and as directed by the City Engineer.***

Signature Page follows

FOR AND IN CONSIDERATION of the granting of this Permit, Permittee agrees to comply with the requirements of the City of Kingman Streets and Sidewalks Development Rules and Regulations and the terms and conditions as stated on this Encroachment Permit.

PERMITTEE SIGNATURES

DATED: 2/28/15

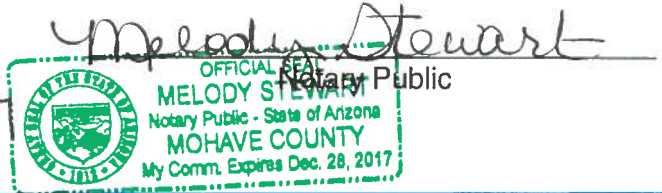
Brent Rutherford

Brent Rutherford

STATE OF ARIZONA )  
COUNTY OF MOHAVE )

This instrument was acknowledged before me this 30 day of July, 2015, by  
Brent Rutherford

My Commission Expires: December 28, 2017



DATED: 7/30/15

Tammy Rutherford

Tammy Rutherford

STATE OF ARIZONA )  
COUNTY OF MOHAVE )

This instrument was acknowledged before me this 30 day of July, 2015, by  
Tammy Rutherford

My Commission Expires: December 28, 2017



CITY OF KINGMAN SIGNATURE

DATED: 7-31-2015

[Signature]  
City Engineer



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Sydney Muhle, City Clerk

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Consideration of Sending a Ballot Measure to the Voters Regarding the Implementation of a Primary Property Tax

---

### **SUMMARY:**

At the October 6th Regular Meeting the City Council approved Ordinance 1799 extending the sunset of the additional 0.5% Transaction Privilege Tax increase through December 31, 2017, with the intent of seeking a primary property tax. This would require a ballot measure and stand alone election to occur in May, 2016, for voter approval. Staff will present information regarding the timeline required for this election and the approximate cost. This will include and update of the timeline to collection of levy revenue.

### **Update on Timeline Relating to the Levy Process and Collection of Revenues**

Upon discussion with the Property Tax Oversight Commission relating to the primary property tax levy restrictions and collection of said revenues, staff was advised of a difference in timelines than what was originally presented to Council on 10/6/15. Staff will provide Council with an updated timeline relating to the levy process and collection of revenues.

### **FISCAL IMPACT:**

Approximately \$100,000 to \$125,000.

### **STAFF RECOMMENDATION:**

Council discretion.

### **REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	10/15/2015 - 10:06 AM
City Attorney	Cooper, Carl	Approved	10/15/2015 - 10:32 AM
City Manager	Dougherty, John	Approved	10/15/2015 - 3:28 PM



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Sydney Muhle, City Clerk

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Discussion of idea on remodel of Powerhouse

---

### **SUMMARY:**

A short time ago the Chamber of Commerce vacated space in the Powerhouse. I would like to discuss with the Council an idea I had to remodel the area into a multi-purpose room (depending on feedback it would be a conference room, meeting room, perhaps future office space with conference room, or open space, hence the wide budget impact listed below). There are many options and ideas that I would like feedback from the Council on. Public Works Director Rob Owen will present a slideshow overview of the proposed idea at the meeting.

### **FISCAL IMPACT:**

\$1,000 - \$20,000+

### **STAFF RECOMMENDATION:**

Council discretion.

### **REVIEWERS:**

Department	Reviewer	Action	Date
City Manager	Dougherty, John	Approved	10/14/2015 - 6:30 PM
City Attorney	Cooper, Carl	Approved	10/15/2015 - 10:33 AM
City Manager	Dougherty, John	Approved	10/14/2015 - 6:31 PM



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Mike Meersman, Parks and Recreation Director

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Kingman Rotary donation of bleacher shade structure

---

### **SUMMARY:**

On Wednesday the Kingman Rotary presented a check for a Donation of \$3,200 for a Bleacher Shade structure to be placed at South Side Park.

We have these shade structures over all of the ball field bleachers at Centennial Park and one set of bleachers at south side. They not only provide protection of shade, more importantly they are a huge safety feature from people getting hit in the head with foul balls.

Maintenance is minimal and these are a great addition to our ball field facilities.

Attachments include Donation description including photos.

### **FISCAL IMPACT:**

**None**

### **STAFF RECOMMENDATION:**

**Staff recommends approval.**

### **ATTACHMENTS:**

Description

Donation description including photos.

### **REVIEWERS:**

Department	Reviewer	Action	Date
Parks & Recreation	Muhle, Sydney	Approved	10/15/2015 - 6:33 PM



Thank you to the Kingman Rotary for the \$3,200 donation on September 16, 2015 for the Bleacher Shade Structure for South Side Park. Your generous donation and all that your organization does for our community is greatly appreciated. The photo above is the type of Shad Structure that will be installed thanks to all of you. This will improve the safety for spectators at the ball games. Your donation will be recognized at the October 20th City Council meeting when it is recommended for their approval. Thanks again.

Mike Meersman  
Director of Parks and Recreation  
City of Kingman  
Cell 928-303-6087  
[mmeersman@cityofkingman.gov](mailto:mmeersman@cityofkingman.gov)





## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Mike Meersman, Parks and Recreation Director

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Art sculpture donations

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### **SUMMARY:**

Greg Arnold, the creator of Giganticus Headicus, would like to donate two art sculpture projects. Mr. Arnold presented slide pictures to the Parks & Recreation Commission regarding his art sculptures which he makes out of old scrap metal. Mr. Arnold discussed the meaning behind the sculptures and would love for them to be strategically placed around the City.

“The Wheel” could be placed by the Powerhouse. The “Mountain Biking Around The World” sculpture could go on 93 and Fort Beale road directed toward Fort Beale Biking Trails. The areas chosen would be less likely for vandalism and people climbing on them. The final decision on the placement would be made by City Staff.

Maintenance would be minimal in these locations as the City already maintains these properties. The sculptures have a wide base and would be cemented down. When visiting other cities there are many art sculptures that add a lot of character. These sculptures would enhance our City.

### **FISCAL IMPACT:**

**None**

### **STAFF RECOMMENDATION:**

**The Parks & Recreation Commission Members voted unanimously to support these Art Sculpture Donations to be placed strategically in the City.**

### **ATTACHMENTS:**

Description

Art Sculpture Donation description including photos, Park and Recreation Commission Regular Meeting Action Agenda August 19, 2015, Power Point

Power Point

### **REVIEWERS:**

Department	Reviewer	Action	Date
Parks & Recreation	Meersman, Michael	Approved	10/13/2015 - 3:42 PM
City Attorney	Cooper, Carl	Approved	10/13/2015 - 6:38 PM



City Manager

Dougherty, John

Approved

10/14/2015 - 4:45 PM

**Art Sculptures Donation Description 10/20/15**  
**City of Kingman**  
**Parks & Recreation Department**

**Objective:** Consider a donation of two metal art sculptures to the City of Kingman Parks & Recreation Department that will be used to improve the artistic cultural and character in our community.

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Local artist, Gregg Arnold, creator of Giganticus Headicus is interested in donating two sculptures to the City of Kingman Parks & Recreation Department to be used in the City of Kingman to add more of a cultural experience in our community. Mr. Arnold has created two pieces that can be placed in downtown Kingman and in the 93 entry way to our city. These artistic sculptures will add a creative artistic beauty to our community, encouraging visitors and locals to check out our city.

The first sculpture, "The Wheel" is a symbol of the first settlers in Kingman who traveled across country, through treacherous mountains, via covered wagon to reach their future home. This is to be placed in front of the Kingman Powerhouse Visitor Center in decorative stone landscape area (see below).





A second piece "Mountain Biking Around the World" is made of bicycle parts and plate steel. This would be perfect to give direction to the Camp Beale Springs Mountain Bike Trail. This will draw attention to the Mountain Biking trailhead.



We would like to see the Mountain Biking Around the World Sculpture on the corner of 93 and Fort Beale. This is City right of way and the Park Department maintains this landscape area. This would be 12' from the curb per ADOT requirements.



City Manager, John Dougherty, and Visitor Center Director, Joshua Noble, have both seen this idea and are very supportive. At the August 19, 2015 meeting of the Park and Recreation Commission; they voted unanimously in support of the City accepting the donation of these art sculptures and placing them strategically throughout the city. The Park and Recreation department is already responsible for maintenance of the areas we would like to see them installed. So this would require little to no additional maintenance for our department.

The final decision on the locations of the sculptures would be determined by City Staff. Mr. Arnold would be happy to meet with the Department and/or City Council to provide additional photos and information needed, as well as answer any questions you might have. If you have any questions please feel free to contact me.

Mike Meersman

Director of Parks and Recreation

City of Kingman

Cell 928-303-6087

[mmeersman@cityofkingman.gov](mailto:mmeersman@cityofkingman.gov)



**CITY OF KINGMAN  
PARKS AND RECREATION COMMISSION**  
Council Chambers  
310 N. 4<sup>TH</sup> STREET  
[www.cityofkingman.gov](http://www.cityofkingman.gov)

6:02 p.m.

**ACTION AGENDA**

Wednesday, August 19, 2015

**REGULAR MEETING**

**CALL TO ORDER & ROLL CALL:**

MEMBERS PRESENT: Peeler, Brown, Dehaan, Dunshie, Gillenwater, Potter, West

STAFF PRESENT: Yocum, Meersman, Cossio, Reynolds, Fogg

MEMBERS EXCUSED:

**1. APPROVAL OF MINUTES**

Regular meeting minutes of May 20, 2015

**MOTION BY MEMBER BRENT POTTER TO APPROVE THE REGULAR MEETING MINUTES OF MAY 20, 2015 WAS SECONDED BY MEMBER BRENDA DEHAAN MOTION PASSED BY A VOTE OF 7-0.**

**2. CALL TO THE PUBLIC**

Those wishing to address the Commission should fill out request forms in advance. Action taken as a result of public comments will be limited to directing staff to study the matter or rescheduling the matter for consideration and decision at a later time. Comments are limited to two minutes in matters regarding Parks and Recreation.

**3. ARIZONA GAME AND FISH / KINGMAN ELKS**

A Presentation on Community Lake Program

**4. ART SCULPTURE DONATION**

Kingman Resident Greg Arnold Donates Three Art Sculptures

**A MOTION BY BRENT POTTER THAT THIS COMMISSION WOULD LIKE THE CITY TO EXCEPT THE SCULPTURE DONATIONS BY GREG ARNOLD. MOTION WAS SECOND BY DAVID WEST ALL FAVORED BY 7-0 VOTE.**

**5. RECREATION SUPERINTENDENT REPORT**

Superintendent, Yvonne Cossio, reported on Programs, Projects Completed, Upcoming and Ongoing Events and Trips.

6. **PARKS SUPERINTENDENT REPORT**

Superintendent, Guy Reynolds, reported on Projects Completed, Upcoming and Ongoing Projects and Maintenance within the Parks and Pool Systems.

7. **SPLASH PAD UPDATE**

Memorandum of Understanding between the Venture Club and the City of Kingman

8. **SMOKE FREE PARK ZONES**

Periodic Updates regarding Smoke Free Zones.

9. **DIRECTORS REPORT**

Discussion and possible action taken pertaining to Parks & Recreation Business.  
Next Meeting – November 18, 2015

10. **ANNOUNCEMENTS BY COMMISSION MEMBERS**

*Limited to announcements, availability, requests for agenda items for future meetings.*  
If needed

**ADJOURNMENT**

**MOTION BY MEMBER BRENT POTTER TO ADJOURN, MOTION WAS  
SECONDED BY MEMBER CORRALYNN DUNSHIE, MOTION PASSED BY A  
VOTE OF 7-0.**

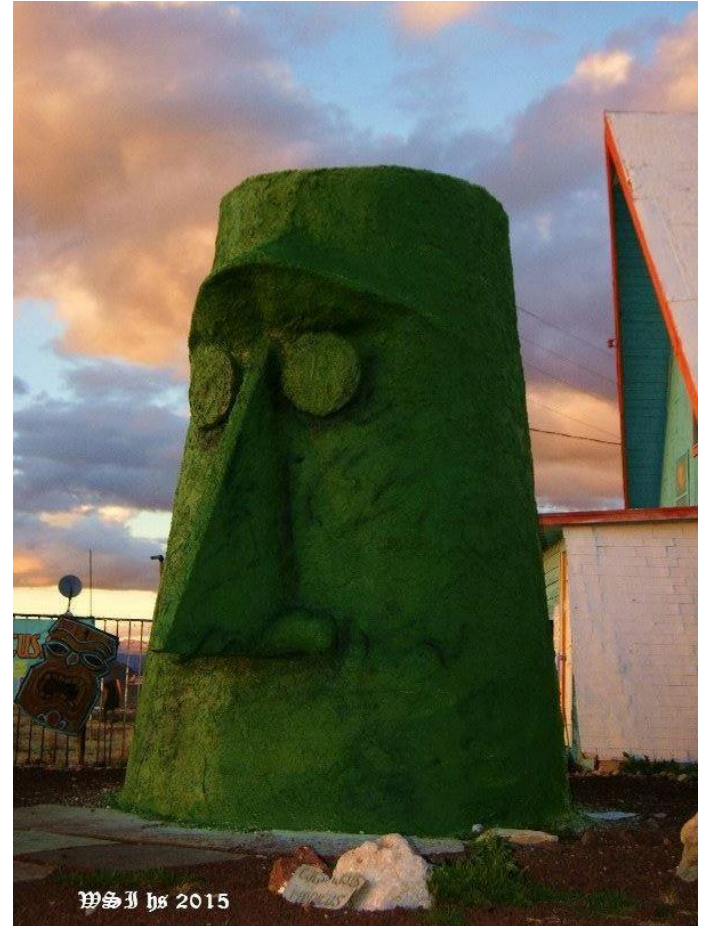
**7:38PM**

**Posted      8/20/15                      by      Karen Fogg**

# Art Sculpture Donation

## Mr. Greg Arnold

- Creator of Giganticus Headicus.
- Donate two metal sculptures.



## 1. “The Wheel”

- A symbol of the first settlers in Kingman.
- They traveled cross country in covered wagons, through treacherous mountains.

## 2. “Mountain Biking Around the World”



# “The Wheel”,



- Preferred placement; in front of the Kingman Powerhouse Visitor Center
- In decorative stone landscape area

# “Mountain Biking Around the World”



- Made of bicycle parts.
- Preferred placement; South East corner of 93 and Fort Beale Dr.
- Give direction to the Fort Beale Mountain Bike Trail.



# Location 93 & Fort Beale Dr.

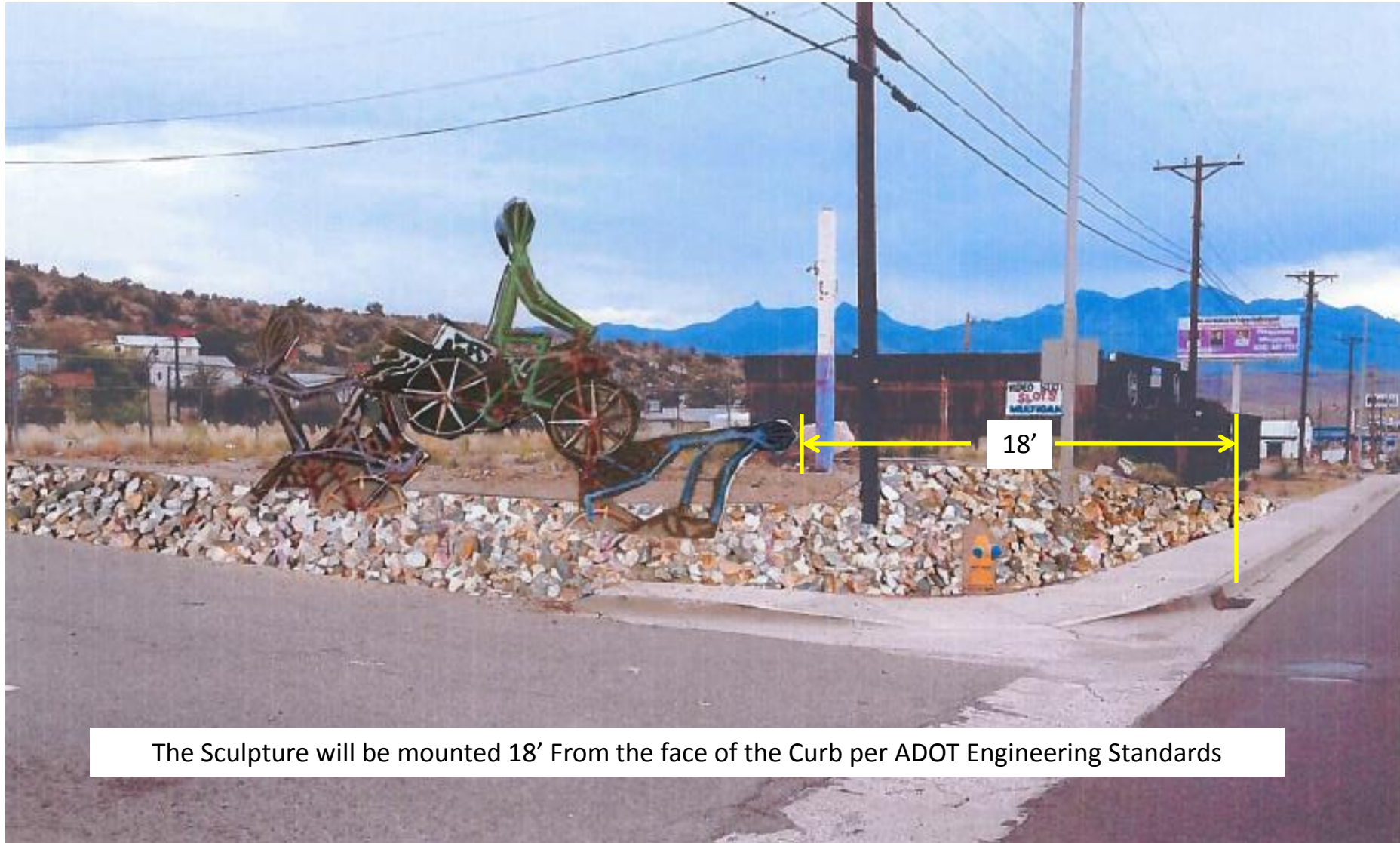


Mountain Biking Around the World Sculpture on the South East corner of 93 and Fort Beale Dr.

This is City right of way maintained by the Park Department.

This would be 18' from the face of the curb per ADOT Engineering Standards.

# SE Corner 93 Fort Beale Dr.



The Sculpture will be mounted 18' From the face of the Curb per ADOT Engineering Standards



# Adds Artistic cultural, character and diversity to our community





## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Development Services Department

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Consideration of Resolution 4976 eliminating requirements for curbs and sidewalks along Southern Avenue for Fripps Ranch, Tract 1964-D

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### **SUMMARY:**

A request from Raymond W. Stadler, P.E., applicant and project engineer, on behalf of Fripps Mohave Land, LLC, property owner, for the elimination of the requirement for rolled curbs, gutters and sidewalks along Southern Avenue associated with Fripps Ranch, Tract 1964-D. The subject property is located along the south side of Southern Avenue west of N. Central Street.

Resolution No. 4880-R, passed on July 1, 2014, approved the preliminary plat for Fripps Ranch, Tract 1964-D with certain conditions. Condition 1 allowed an exception, as requested by the property owner, for rolled curbs on Southern instead of vertical curbs as normally would be required by the Subdivision Ordinance for a Minor Arterial street. Condition 3 allowed an exception, as requested, for a delay in the construction of sidewalks along Southern Avenue until the development of the adjacent lots occurs.

The project engineer is requesting the exception primarily because the per-lot cost to complete the curb and sidewalk exceeds the market value of the lots. The request has been reviewed by staff and the Traffic Safety Committee. The staff recommendation is that the Council may accept a surety in the amount of \$38,580.00 for the costs of the curbs, gutters and sidewalks at the time of final plat approval rather than approve an exception. The Council, however, may approve an exception to the Subdivision Ordinance per Section 1.14, if certain findings are made.

### **FISCAL IMPACT:**

If the requirement for curbs and sidewalks is eliminated, the City would be financially responsible for their completion in the future. The cost estimate for these improvements is \$38,580.00.

### **STAFF RECOMMENDATION:**

Deny Resolution No. 4976 granting an exception by eliminating the curb and sidewalk requirements on Southern Avenue.

### **ATTACHMENTS:**

Description

Resolution No. 4976

Request from project engineer

Engineering comments  
Fire Department comments

**REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Muhle, Sydney	Approved	10/15/2015 - 6:33 PM

WHEN RECORDED HOLD FOR  
KINGMAN CITY CLERK  
310 N. 4<sup>th</sup> Street  
Kingman, Arizona 86401

## **CITY OF KINGMAN RESOLUTION NO. 4976**

### **A RESOLUTION BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA: ELIMINATING CONDITIONS 1 AND 3 OF RESOLUTION NO. 4880-R WHICH REQUIRED ROLLED CURBS AND SIDEWALKS FOR FRIPPS RANCH, TRACT 1964-D AND GRANTING AN EXCEPTION TO THE SUBDIVISION ORDINANCE OF THE CITY OF KINGMAN**

**WHEREAS**, on July 1, 2014 the Kingman Common Council passed Resolution No. 4880-Revised which conditionally approved a preliminary plat for Fripps Ranch, Tract 1964-D, a residential subdivision with six lots on 2.81 acres located on property described as a Portion of the Northeast  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , Section 20, T.21N., R.16W., of the G&SRM, Mohave County, Arizona; and

**WHEREAS**, Condition 1 of Resolution No. 4880-Revised allowed an exception from Section 1-10, Table Two: Design Criteria within the *City of Kingman Streets and Sidewalks Development Rules and Regulations* and Table Two – Design Criteria of the *Subdivision Ordinance of the City of Kingman* to allow rolled curbs along Southern Avenue where vertical curbs would normally be required by ordinance; and

**WHEREAS**, Condition 3 of Resolution No. 4880-Revised allowed an exception from Section 3.8(a)(1) of the *Subdivision Ordinance of the City of Kingman* to allow sidewalk construction to be delayed along Southern Avenue until the development of the adjacent lots occurs; and

**WHEREAS**, Raymond W. Stadler, P.E., applicant and project engineer, has requested on behalf of the property owner, Fripps Mohave Land, LLC, the elimination of the requirements for curbs, gutters and sidewalks along Southern Avenue; and

**WHEREAS**, the reasons given by the project engineer for the request is that requirement for 20,000 square foot lots along Southern Avenue results in a per lot cost to complete the curb and sidewalk improvements that exceeds the market value of the lots; that the elimination of these improvements would allow for a more economical design to handle drainage; and that future full improvement of Southern Avenue envisioned in the City's capital improvement plan includes a vertical roadway realignment that may require the removal of the curbs, sidewalks, and a portion of the drainage improvements as currently designed for the subdivision; and



**WHEREAS**, the proposed request has been reviewed by the City Engineer, City Development Services Department, and other concerned agencies, and

**WHEREAS**, the staff recommendation is that rather than approve an exception as requested, that a financial surety to cover the costs of the rolled curb and sidewalk, estimated to be \$38,580.00, could be offered by the developer and accepted by the City Council with the approval of the final plat; and

**WHEREAS**, in accordance with Section 1.14 Exceptions of the *Subdivision Ordinance of the City of Kingman*, the Common Council may approve exceptions to the subdivision regulations if it finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations and/or the purpose of these regulations may be served to a greater extent by an alternative proposal provided that the exception shall not have the effect of nullifying the intent and purpose of these regulations.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the City of Kingman, Arizona: That Conditions 1 and 3 of Resolution No. 4880-Revised requiring rolled curb and sidewalk construction along Southern Avenue for Fripps Ranch, Tract 1964-D are hereby eliminated based on the findings that the granting of this exception will not be detrimental to the public safety, health, or welfare or injurious to other property; the conditions upon which the request for an exception is based are unique to the property for which the exception is sought and are not applicable generally to other property; because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations are carried out; and the exception will not in any manner vary the provisions of the Zoning Ordinance, General Plan, or Official Map.

**PASSED AND ADOPTED** by the Mayor and Common Council of the City of Kingman, Arizona this 20<sup>th</sup> day of October, 2015.

**ATTEST:**

**APPROVED:**

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Sydney Muhle, City Clerk

---

Richard Anderson, Mayor

**APPROVED AS TO FORM:**

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Carl Cooper, City Attorney

**RAYMOND W. STADLER, P.E.**

2504 Airfield Court  
Kingman, Arizona 86401  
(928) 753-8927  
(928) 753-4050 (FAX)

September 10, 2015

City of Kingman  
Development Services  
310 N. 4<sup>th</sup> Street  
Kingman, Arizona

Re: Fripps Ranch Tract 1964D  
Preliminary Plat Resolution Revision Request  
Transmittal

Gentlemen:

On behalf Fripps Mohave Land, LLC, owner of the above referenced project, I, Raymond W. Stadler, P.E., Project Engineer, hereby submit the attached revision to Preliminary Plat Resolution request for the above reference development.

If you have any questions or would like any further information relative to this request please contact me at (623) 363-9778 or by e-mail at [rstadler@npgcable.com](mailto:rstadler@npgcable.com).

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Ray W. Stadler", written in a cursive style.

Raymond W. Stadler, P.E.  
Project Engineer

**RAYMOND W. STADLER, P.E.**

2504 Airfield Court  
Kingman, Arizona 86401  
(928) 753-8927  
(928) 753-4050 (FAX)

September 10, 2015

City of Kingman  
Development Services  
310 N. 4<sup>th</sup> Street  
Kingman, Arizona

Re: Fripps Ranch Tract 1964D  
Preliminary Plat Resolution  
Request to remove curb and sidewalk requirements along Southern Avenue

Gentlemen:

On behalf Fripps Mohave Land, LLC, owner of the above referenced project, I, Raymond W. Stadler, P.E., Project Engineer, hereby submits the following request for deletion of the requirement to install a curb and sidewalk along the Fripps Ranch Tract 1964D Southern Avenue frontage based on the following conditions.

1. The Fripps Ranch Tract 1964D subdivision is a very unique development with the underlying zoning being R1-8 which includes a condition requiring the lots to have a minimum area of 20,000 sq. ft. As a result of this condition only 6 lots can be developed instead of the 12-15 lots that would fit on the site under the R1-8 zoning. Therefore to complete the normal subdivision improvements including grading, water line extensions, sewer line extensions, curb and sidewalk, pavement widening to suite and drainage, the per lot cost to complete the improvements is almost double market value of the developed lots. Not having to install the curb and sidewalk along Southern Avenue would also allow a more economical design for the handling the drainage concentrated in Central Street which needs to be carried and released into Franklin Drive, it's natural drainage path. The cost savings for no curb and sidewalk and the drainage design revisions would bring the development cost per lot back into line with the market value of the developed lots and the revised drainage design would result in a maintenance cost savings for the City.
2. The full improvement of Southern Avenue fronting the Fripps Ranch Tract 1964D subdivision is included in the City of Kingman's Master Improvement Plan. It is envisioned that these improvements of Southern Avenue would include a vertical roadway re-alignment that would require the removal of the curb, sidewalk and a portion if not all of the drainage improvements for the Fripps Ranch Tract 1964D subdivision as currently designed.
3. The development of the Fripps Ranch Tract 1964D subdivision without curb and sidewalk would be in concert with the large urban lots located along the north side of Southern Avenue and the north frontage of the subdivision.

If you have any questions or would like any further information relative to this request please contact me at (623) 363-9778 or by e-mail at [rstadler@npgcable.com](mailto:rstadler@npgcable.com)..

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Ray W. Stadler", with a long horizontal flourish extending to the right.

Raymond W. Stadler, P.E.  
Project Engineer

# Memo

To: Rich Ruggles  
From: Greg Henry  
CC: File  
Date: September 28, 2015  
Re: Fripps Ranch Tract 1964-D  
File SB14-003 & ENG14-102



**Engineering Department**

Rich,

I have reviewed the 10 September 2015 letter from Ray Stadler P.E., regarding the elimination of street improvements for the subject subdivision.

The request appears to be based on both economics and concerns with meeting the future design grades for Southern Avenue.

I believe that it would be best if the City were to design and construct both sides of Southern Avenue in one Capital Improvement project. I also believe that if the City Council were to simply waive the street improvement requirements for this project, that such a request may become common with future developments.

I believe that a fair compromise may to require a cash payment in lieu of street improvements. The current plans call for new paving in addition to the curb and gutter improvements. It seems reasonable that the developer should pay for curb and gutter costs and possibly exclude cost for the pavement widening.

9-10-2015

## Memo

To: Rich Ruggles

From: Chris Weaver

Re: **Subdivision Case SB14-003**

The Fire Department does not agree with eliminating the curbs and sidewalks for this project.



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** James J. McErlean - Building Official

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Proposed Ordinance 1805 – Amending permit fees in relation to Manufactured Housing & Factory Built Buildings

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### **SUMMARY:**

On March 15, 2012 an IGA between the City of Kingman and The Arizona Department of Fire, Building and Life Safety – Office of Manufactured Housing [OMH] became effective. In part the agreement states: “5. Fees Charged by the Agency. Permit fees charged by the Agency shall be the same as the Fee Schedule created by OMH pursuant to its authority under A.R.S. § 41-2144 (4) and A.A.C. R4-34-501 and no more than permitted by R4-34-801(E).” Since entering the IGA the State of Arizona OMH has adjusted their fee schedule for fiscal year 2016. Approval of Ordinance No. 1805 will adjust current COK fees to match the OMG Fee Schedule update for 2016.

### **FISCAL IMPACT:**

Total estimated increase in fees \$00.00 annually. Only 11 Manufactured Housing permits have been issued since entering the IGA. None of these home permits have been a Residential Factory Built Building [FBB].

### **STAFF RECOMMENDATION:**

Make a motion to Approve Ordinance No.1805

### **ATTACHMENTS:**

Description

Ordinance No. 1805

Copy of IGA

AZ OMH 2016 Fee Schedule

### **REVIEWERS:**

Department	Reviewer	Action	Date
Development Services	Muhle, Sydney	Approved	10/15/2015 - 6:31 PM



**CITY OF KINGMAN, ARIZONA  
ORDINANCE NO. 1805**

**AN ORDINANCE BY THE MAYOR AND COMMON COUNCIL OF THE CITY OF KINGMAN, ARIZONA, AMENDING SECTION 5-2 PERMITS AND FEES, ARTICLE I, CHAPTER 5 OF THE KINGMAN CODE BY REVISING TEXT IN THE TABLE “SPECIAL PERMITS AND OTHER INSPECTION FEES” AS UNDERLINED AND DELETING STRIKEOUT TEXT.**

**WHEREAS**, On March 15, 2012 an IGA between the City of Kingman and The Arizona Department of Fire, Building and Life Safety – Office of Manufactured Housing became effective, authorizing the City to issue permits for the installation of Manufactured Housing and Factory Built buildings, and charging permit fees established by the Arizona State - Office of Manufactured Housing; and

**WHEREAS**, The Arizona Department of Fire, Building and Life Safety – Office of Manufactured Housing revised the fee schedule for the 2016 Fiscal year [Effective July 1, 2015]; and

**WHEREAS**, on October 2, 2015, pursuant ARS §9-499.15, a public notice advertising a public hearing to be conducted by the Kingman City Council on the proposed manufactured housing fee schedule amendments was placed on the City of Kingman Municipal website to invite interested citizens to provide comments about the proposed changes to the fee schedule; and

**WHEREAS**, On December 15, 2015, the City of Kingman Council held a public hearing on the proposed building permit fee schedule amendment.

**NOW, 'THEREFORE, BE IT ORDAINED** by the Mayor and Common Council of the City of Kingman, Arizona as follows:

**SECTION 1:** Article 1, Chapter 5, Table **Special Permits and Other Inspection Fees** of the Kingman Code is hereby amended to read as follows:

**Special Permits and Other Inspection Fees**

Manufactured home permit: includes 3 inspections	\$350.00
Additional inspections after 3	\$47.00
MH permit renewal after 6 months	\$82.00
Residential factory-built building: per story	<del>\$600.00</del> \$450.00

Additional inspections after 3	\$47.00
FBB permit renewal after 6 months	\$82.00
Commercial factory-built building	\$4.50 per perimeter linear foot/per story
Additional inspections after 3	\$47.00
FBB permit renewal after 6 months	\$82.00
Solar energy device systems per A.R.S. <a href="#">9-468</a>	\$128.00
Inspections outside of normal business hours (minimum charge—two hours)	\$47.00 per hour or the total hourly cost to the City of Kingman, whichever is greatest
Re-inspection fees (may be assessed after 2 <sup>nd</sup> call inspection on the same work requiring inspection)	\$47.00 per hour or the total hourly cost to the City of Kingman, whichever is greatest
Inspections not otherwise listed (one-half hour minimum fee of \$23.50)	\$47.00 per hour or the total hourly cost to the City of Kingman, whichever is greatest
Building plan review fee (for 1 <sup>st</sup> and 2 <sup>nd</sup> review)	65% of building permit fee
Grading plan review fee (for 1 <sup>st</sup> and 2 <sup>nd</sup> review)	65% of grading permit fee
R-3 Residential plan review fee (standardized plans)	32.5% of building permit fee
Additional plan review fee required after 2 <sup>nd</sup> review, and/or by changes, additions or revisions to plans by owners, contractor or design professional	\$47.00 per hour (actual cost including city administrative and overhead costs if using outside agency)
For use of outside agency or consultants for plan review, inspection, or both	Actual cost including city administrative and overhead costs



**DEPARTMENT OF FIRE,  
BUILDING AND LIFE SAFETY  
OFFICE OF MANUFACTURED HOUSING**

1110 WEST WASHINGTON, SUITE 100

PHOENIX, ARIZONA 85007

(602) 364-1003

(602) 364-1052 FAX



**JANICE K. BREWER**

GOVERNOR

**GENE PALMA**

DIRECTOR

March 15, 2012

Development Services Department  
City of Kingman  
310 N. 4<sup>th</sup> Street  
Kingman, Arizona 86401  
(928) 753-8560

Dear Dave Hattrick,

Enclosed is the final approved IGA Contract for Manufactured/ Mobile Homes and Factory-Built Buildings for your records.

The Contract effective date is March 15, 2012. The term of the agreement shall be for five (5) years from the effective date. This Office will periodically conduct jurisdictional audits of the City of Kingman, with advance notice and coordination. Our Office appreciates your cooperation.

Please ensure that all permit applications, permits, inspection reports, violation notices, plans, and other supporting documents are retained for ten (10) years from the date of effectiveness if this IGA contract. Clause 15 in the IGA contract states that all IGA related files are to be retained for five (5) years after expiration or termination of the IGA contract.

Sincerely,

Georgina Marie Marin  
Local Jurisdiction Liaison  
Department of Fire, Building and Life Safety  
Office of Manufactured Housing  
1110 W. Washington, Suite 100  
Phoenix, AZ 85007  
(602) 762-0855

RECEIVED

MAR 02 2012

**AGREEMENT**

Fire, Building & Life Safety

**BETWEEN**

**ARIZONA DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY  
OFFICE OF MANUFACTURED HOUSING**

**AND**

**CITY OF KINGMAN**

**TO ENFORCE INSTALLATION STANDARDS**

This **AGREEMENT** ("Agreement") is entered into this 15<sup>th</sup> day of March, 2012, by and between the **ARIZONA DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY, OFFICE OF MANUFACTURED HOUSING** ("OMH") and the City of Kingman ("Agency").

**WHEREAS**, pursuant to A.R.S. § 41-2151 the purpose of OMH is to maintain standards of quality and safety for manufactured homes, factory-built buildings, mobile homes, and the installation of the same.

**WHEREAS**, A.R.S. § 41-2153(B) (5) directs the Deputy Director of OMH to enter into agreements with local enforcement agencies to enforce the installation standards in their respective jurisdictions consistent with the installation standards of OMH; and

**WHEREAS**, it is the desire of both parties to eliminate unnecessary duplication of inspections regarding installation standards within the Agency's jurisdiction;

**NOW, THEREFORE**, in consideration of the premises and mutual promises and undertakings herein contained, and for other good and valuable consideration, the parties agree as follows:

1. Monitoring and Enforcement. For the duration of this Agreement, the Agency will monitor and enforce the installation standards set forth in A.R.S. § 41-2195 and A.A.C. R4-34-102 as they apply to installation standards and accessory structures.
2. Term. The term of this Agreement shall be for five (5) years from the date of this Agreement.
3. Standards of Performance. In exercising the authority delegated hereunder the Agency shall perform to the same standards of performance that the law imposes upon OMH in exercising the authority described in section 1 hereof. In addition, the Agency shall not approve any installation unless the installer affixes a State Insignia of Approval as required by A.A.C.

R4-34-802.A and pays to the Agency the fee established by OMH pursuant to the authority by A.A.C. R4-34-501 and as permitted by A.A.C. R4-34-506.

4. Monthly Reporting. The Agency in this Agreement shall submit a Monthly IGA Report to OMH. A copy of each closed mobile home/HUD manufactured home or FBB permit shall be submitted with the monthly report. The monthly report with copies of permits shall be submitted by mail, fax, or email, on or before the 15<sup>th</sup> of the following month. OMH will provide the monthly report format which will require the following be collected and documented:

- a. ARZ HUD label number(s) or FBB manufacturers insignia number
- b. Unit serial number
- c. Installation insignia or FBB plan approval number
- d. Address of installation
- e. Date of approved final installation inspection

5. Fees Charged by the Agency. Permit fees charged by the Agency shall be the same as the Fee Schedule created by OMH pursuant to its authority under A.R.S. § 41-2144 (4) and A.A.C. R4-34-501 and no more than permitted by R4-34-801(E). All fees collected by the Agency shall be kept by the Agency as compensation for the services performed by the Agency under this agreement. The Agency shall not be entitled to any other compensation for services rendered by it under this Agreement.

6. Termination. Either party may terminate this Agreement at any time without cause by giving the other party thirty (30) days written notice prior to the date of termination. Additionally, OMH may terminate this Agreement immediately and without notice, if OMH determines that the installation standards required in the Agreement are not being maintained, or that local fees are not consistent with the inspection fees established by the Board of Manufactured Housing.

7. Qualifications of Personnel. The personnel that perform the functions delegated to the Agency in paragraph 1 hereof shall each have no less than one year of experience as a building code inspector or manufactured housing installation inspector.

8. Inspector Training. All Agency Inspectors performing under this Agreement shall participate in required initial and/or periodic training as set and coordinated by the State.

9. Duties of OMH. Should OMH require inspections of any portion of the installation of mobile, manufactured homes, accessory structures or factory built buildings not required by the Rules referred to herein and not covered under this Agreement, OMH shall be responsible for the inspections and enforcement thereof.

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////

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10. Notices. All notices shall be mailed or delivered to the party to receive such notice to the following address.

a. If intended for OMH to:

Department of Fire, Building and Life Safety  
Office of Manufactured Housing  
1110 West Washington, Suite #100  
Phoenix, AZ 85007-2935

Attn: Debra Blake  
Title: Deputy Director  
Phone: (602) 364-1022

b. If intended for Agency, to:

Development Services Department  
City of Kingman  
310 N. 4<sup>th</sup> Street  
Kingman, Arizona 86401

Attn: Dave Hattrick  
Title: Building Official  
Phone: (928) 753-8560

11. Interpretation and Amendments. This Agreement contains the entire agreement between the parties hereto. This Agreement shall not be amended or modified in any manner, except by an instrument in writing signed by the parties hereto.

12. Headings. Headings are for convenience only and are not to be construed as part of this Agreement.

13. Invalidity of a Term. The parties agree that in the event any term, covenant or conditions herein contained should be held to be invalid or void, the invalidity of any such term, covenant or condition shall in no way affect any other term, covenant or condition of this Agreement.

14. Dispute. In the event of any dispute between the parties under this Agreement, the parties agree that they shall submit the dispute to arbitration pursuant to A.R.S. §§ 12-133(D) and 12-1518.

15. Inspection and Audit. Pursuant to A.R.S. §§ 35-214 and 35-215, all books, accounts, reports, files and other records relating to this Agreement shall be subject at all reasonable times to inspection and audit by the State of Arizona for five (5) years after completion of this Agreement. Such records shall be produced at the Auditor General's Office or such other office as the parties hereto may mutually agree within a reasonable time after request.

16. Conflict of Interest. The parties acknowledge that this Agreement is subject to cancellation by the Governor of Arizona pursuant to A.R.S. § 38-511, the provisions of which are incorporated herein.



17. Prohibition Against Discrimination. In the event that it applies, the parties agree to comply with the Arizona Governor's Executive Order No. 2009-09.

18. Governing Law and Venue. This Agreement shall be governed by and interpreted in accordance with the laws of the State of Arizona. The exclusive venue for any litigation, arbitration, administrative hearing or the like concerning this Agreement or any matter arising therefrom shall be in Maricopa County, State of Arizona.

19. Unavailability of Funding. Every payment or financial obligation of the parties under this Agreement is conditioned upon the availability of funds appropriated or allocated for the payment of such obligation. If funds are not allocated and available for the continuance of this Agreement, this Agreement may be terminated by any party at the end of the period for which funds are available. No liability shall accrue to any party in the event this provision is exercised, and neither the OMH or Agency shall be obligated or liable for any future payments nor for any damages as a result of termination under this paragraph.

IN WITNESS WHEREOF, the parties hereto agree to carry out the terms of this Agreement and have executed this Agreement the day, month and year first written above.

OFFICE OF MANUFACTURED HOUSING

Name: Debra Blake  
Debra Blake, Deputy Director  
Department of Fire, Building and Life Safety  
Office of Manufactured Housing

3/15/12

AGENCY:

Name: John Salem  
, Mayor

ATTEST: Dorothy Francis  
, City Clerk

APPROVED this 21<sup>st</sup> day of February, 2012.

This Intergovernmental Agreement has been reviewed by the undersigned attorney for the Agency who has determined that it is in appropriate form and within the powers and authority granted by law to the Agency designed herein.

BY: Lee R. Hocking #621512  
Lee R. Hocking on behalf of R, City Attorney

This Intergovernmental Agreement has been reviewed pursuant to A.R.S. § 11-952 by the undersigned Assistant Attorney General, who has determined that it is in the proper form and is within the powers granted under the laws of the State of Arizona to those Parties to the Agreement represented by the Attorney General.

Dated this 9 day of March, 2012

BY: Mary O'Connell  
Assistant Attorney General





**DEPARTMENT OF FIRE, BUILDING AND LIFE SAFETY**

1110 W. WASHINGTON, SUITE 100

PHOENIX, AZ 85007

(602) 364-1003 OFFICE

(602) 364-1052 FAX

[www.dfbls.az.gov](http://www.dfbls.az.gov)

**FEE SCHEDULE FOR 2016 FISCAL YEAR**

***FEES ARE EFFECTIVE JULY 1, 2015***

*Fees charged by the Department are not included in Rule and are exempt from the State Rule procedures (Arizona Revised Statutes § 41-2144(C)).*

<b><u>LICENSING FEES</u></b>				
	<b>Class</b>	<b>Class Description</b>	<b>New License</b>	<b>Renewal License</b>
<b>MANUFACTURER</b>	<b>M-9A</b>	Factory-built-buildings (FBB) and subassemblies	<b>\$ 864.00</b>	<b>\$ 432.00</b>
	<b>M-9C</b>	Manufactured (MFG) Homes	<b>\$ 864.00</b>	<b>\$ 432.00</b>
	<b>M-9E</b>	Master, includes M-9A and M-9C	<b>\$ 1,358.00</b>	<b>\$ 679.00</b>
<b>RETAILER/ DEALER/ BROKER</b>	<b>D-8</b>	Retailer Mobile/MFG Homes	<b>\$ 566.00</b>	<b>\$ 283.00</b>
	<b>D-8B</b>	Broker Mobile/MFG Homes	<b>\$ 432.00</b>	<b>\$ 216.00</b>
	<b>D-10</b>	Retailer FBB or FBB Subassemblies	<b>\$ 566.00</b>	<b>\$ 283.00</b>
	<b>D-12</b>	Master, includes D-8, D-8B, and D-10	<b>\$ 864.00</b>	<b>\$ 432.00</b>
<b>INSTALLERS</b>	<b>I-10C</b>	General Installer	<b>\$ 432.00</b>	<b>\$ 216.00</b>
	<b>I-10D</b>	Installer of Attached Accessory Structures	<b>\$ 432.00</b>	<b>\$ 216.00</b>
	<b>I-10G</b>	Master, includes I-10C and I-10D	<b>\$ 741.00</b>	<b>\$ 370.00</b>
<b>SALESPERSON</b>	<b>NA</b>	Employee of a licensed Retailer/Dealer/Broker	<b>\$ 206.00</b>	<b>\$ 103.00</b>

<b><u>PLAN FEES</u></b>	
<b>DESCRIPTION</b>	<b>FEE</b>
<b>Standard Plan Review</b>	
Application Submittal and Plan Review	<b>\$150.00</b> Includes up to 1 hour of plan review time
Plan Review	<b>\$119.00 hour</b> Each additional hour
<b>EXPEDITED Plan Review</b>	
Expedited Application and Plan Review	<b>\$269.00</b> Includes up to 1 hour of plan review time
Expedited Plan Review	<b>\$238.00 hour</b> Each additional hour

<b>CERTIFICATE (INSIGNIA) FEES</b>	
<b>DESCRIPTION</b>	<b>FEE</b>
Installation Certificate	\$10.00 each
Modular Manufacturer Certificate	\$51.00 each
Reconstruction Certificate	\$51.00 each

<b>PERMIT FEES</b>		
<b>DESCRIPTION</b>	<b>STATE ISSUED PERMIT FEE</b>	<b>IGA FEE</b>
Mobile/MFG Home	\$350.00 each <i>Includes 3 Inspections</i>	Up to \$ 350.00 each
FBB – residential	\$ 450.00 per story <i>Includes 3 Inspections</i>	\$ 450.00 per story
FBB – commercial	\$ 4.50/LF per story <i>Includes 3 Inspections</i>	\$ 4.50/LF per story
6 Month Extension on Permit (MFG and FBB)	\$ 82.00	
FBB Special Event	\$ 67.00	
Rehabilitation – Mobile Home	\$ 49.00 <i>Includes 2 Inspections</i>	

<b>INSPECTION FEES</b>	
<b>DESCRIPTION</b>	<b>FEE</b>
MFG facility	\$ 51.00 per hour, plus mileage @ 0.445/mile
Installation Re-Inspection (MFG, FBB, Rehabilitation)	\$ 82.00 per hour, plus mileage @ 0.445/mile
Technical Service	\$ 82.00 per hour

<b>INSTALLATION TRAINING</b>	
<b>DESCRIPTION</b>	<b>FEE</b>
<b>Installation Training</b> <i>OMH Installer: Qualifying Party or Corporate Officer</i> <i>Registrar of Contractor; Participant in the Installation Certificate Program: Qualifying Party or Corporate Officer</i>	\$ 100.00

<b>ADMINISTRATIVE FUNCTION FEES</b>	
<b>DESCRIPTION</b>	<b>FEE</b>
Change on installation permit	\$ 10.00 per item
Change name of license	\$ 10.00 each
Change license location	\$ 10.00 each
Change license telephone number	\$ 10.00 each
Add branch location	\$ 10.00 each
Delete branch location	\$ 10.00 each
Reinstate bond	\$ 10.00 each
Process returned check	\$ 10.00 each
Change status of license to inactive	\$ 10.00 each
Copies	\$ .50 each
All refunds are subject to a fee of	\$ 59.00 each



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Sydney Muhle, City Clerk

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Acceptance of the Resignation of Mark Wimpee Sr. from the Common Council of the City of Kingman

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**SUMMARY:**

On October 15, 2015, Vice Mayor Mark Wimpee Sr. tendered his resignation from the Common Council of the City of Kingman. Council must formally accept this resignation.

**FISCAL IMPACT:**

None.

**STAFF RECOMMENDATION:**

**ATTACHMENTS:**

Description

Letter of Resignation

**REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	10/16/2015 - 2:00 PM
City Attorney	Cooper, Carl	Approved	10/16/2015 - 2:15 PM
City Manager	Dougherty, John	Approved	10/16/2015 - 6:05 PM

Dear Mayor Anderson,

10/14/15

I am writing this letter to inform you of my resignation as Vice Mayor of Kingman. It is with deep sorrow that I have made this decision. I truly believe that my business issues should have been kept separate from my role as Vice Mayor of Kingman. As I sat and listened to those people and the hatred towards my son and I it dawned on me, These are the people that voted for me the people who put me in office. With that if my constituents have lost faith in me than I need to honor their wishes. I think that you allowing them to speak knowing what their intentions were, was a poor decision. None the less I have always had respect for you and consider you a friend. I wish you the best in your roll as Mayor.

Sincerely,

A handwritten signature in black ink, appearing to be 'Wimpee', written over a horizontal line.

Vice Mayor Wimpee



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Sydney Muhle, City Clerk

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Council Vacancy Selection Process

---

### **SUMMARY:**

The resignation of Vice Mayor Mark Wimpee Sr. has created a vacancy for a seat on the City Council. The vacant seat's term expires the end of November, 2016. According to statute the Council shall fill the vacancy by appointment. There is no process defined in the statutes. Staff recommends that Council direct staff to accept resumes and letters of interest from qualified persons. The Council will review the submitted information to determine the appropriate candidate for selection.

### **FISCAL IMPACT:**

### **STAFF RECOMMENDATION:**

Staff requests Council direction.

### **REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	10/16/2015 - 2:07 PM
City Attorney	Cooper, Carl	Approved	10/16/2015 - 2:16 PM
City Manager	Dougherty, John	Approved	10/16/2015 - 6:07 PM



## **CITY OF KINGMAN COMMUNICATION TO COUNCIL**

**TO:** Honorable Mayor and Common Council

**FROM:** Sydney Muhle, City Clerk

**MEETING DATE:** October 20, 2015

**AGENDA SUBJECT:** Discussion and Appointment of Vice Mayor

---

### **SUMMARY:**

With the resignation of Vice Mayor Wimpee Sr. the position of Vice Mayor is now vacant. Council will discuss and appoint a new Vice Mayor.

### **FISCAL IMPACT:**

### **STAFF RECOMMENDATION:**

#### **REVIEWERS:**

Department	Reviewer	Action	Date
City Clerk	Muhle, Sydney	Approved	10/16/2015 - 4:14 PM
City Attorney	Cooper, Carl	Approved	10/16/2015 - 4:15 PM
City Manager	Dougherty, John	Approved	10/16/2015 - 6:07 PM